Theologia Moralis

Volume VI

On the Sacraments in general and Holy Orders; with appendices on the prohibition of books, the decrees of the Roman Pontiffs, and the privileges of regulars

St Alphonsus Maria de Liguori

(Sancti Alphonsi de Ligorio)

An English translation of the Latin edition
Parisiis (Paris): apud Adrianum Le Clere — editio novissima, cur. P. Mich. Heilig, C.SS.R.

Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 9*]

THE MORAL THEOLOGY OF SAINT ALPHONSUS DE LIGORIO, Founder of the Congregation of the Most Holy Redeemer and Bishop of Saint Agatha of the Goths.

APPENDED ARE:

1. A Dissertation by Father Zacharias on Saint Alphonsus' Moral Theology.
2. A Manual for Confessors for receiving confessions.
3. An Examination for those to be ordained.
4. A Letter containing moral and canonical teachings by Benedict XIV.
5. Decrees of the Roman Pontiffs concerning moral theology.
6. An Appendix on Privileges.
7. An Appendix on the Prohibition of Harmful Books.
8. A List of Questions Reformed.
9. An Index of Authors cited in this work.
10. A General Index.

NEW EDITION, THE MOST ACCURATE OF ALL, COMPARED WITH THE VENETIAN, ROMAN, AND BASSANESE EDITIONS, AND CONTAINING EVERYTHING WHICH THE AUTHOR HAS ADDED, REVISED, OR EXPLAINED.

Many things omitted in other editions have been restored, countless citations have been corrected, many printing errors have been corrected, and necessary annotations have been added, by Father Michael Heilig, of the Society of the Most Holy Redeemer, Paris, and of the Theological Faculty of Moral Theology.

SIXTH VOLUME.

PARIS, AT THE PUBLISHERS, PAUL MELLIER, VIA TOURNON, 27.

PARIS, JACQUES LECOFFRE AND SAN, VIA VIRGU-COLOMBIES, 29.

ISLES, L. LEFORT, TYPOGRAPHE BIBLIOGRAPHIQUE, VIA REQUERAMOISE. MERCELYN.

[*Latin ed. p. 11*]

MORAL THEOLOGY. EXAMINATION OF THOSE TO BE ORDAINED. Briefly compiled by the same Author from his own Moral Theology, con-

Translated by churchlatin.ai, a product of Boyne Archives

taining matters of greater necessity (1). CHAPTER I. On the Sacraments in general. What a sacrament is. 1. What is required to constitute a sacrament? Does circumcision, etc., suffice? 2. What are sacramentals. 3. Sacraments are distinguished. 4. Q. 1. What is required for the essence? Concerning the matter. 5. Concerning the form, and the connection of matter with form. 6. Concerning substantial, or accidental change. 7. Concerning a sacrament under a condition. If with a doubtful or mixed form or matter. Interruption of the form. 8. Concerning the intention of the minister, and the recipient. 9. Q. II. Concerning the minister. 10. Must he be in the state of grace? 11. If he is a layman, or if he administers not solemnly, is contrition sufficient? 12. If he absolves in mortal sin: if he administers the Eucharist: if he celebrates Mass. 13. If a subdeacon, or deacon, administers solemnly. 14. If he administers to an unworthy person. 15. To simulate the administration of a sacrament. 16. To simulate the reception. 17. Must the minister intend that which the Church does? 18. Q. III. What is required for the valid and licit reception of sacraments. 19. Is it permissible to ask for something from an excommunicated person, or a sinner? 20. Is it permissible to give money for the administration of a sacrament? 21. Effects, and I. Concerning grace. 22. and 23. II. Concerning the character. 24.

(1) In this treatise, the blessed author frequently praises another work of his, entitled *Homo apostolicus*; but since this Moral Theology is sufficient for the reader, and he need not consult other books, we have omitted the citations from *Homo apostolicus*, praising this theology, where the same matters are treated with a more extensive and accurate style. Vol. VI.

[*Latin ed. p. 12*]

It is a visible sign of the invisible grace, instituted by Christ, for the sanctification of the people of God. It is called a visible sign, that is, an external sign in matter, subject to the senses. It is a sign of invisible grace, because the sacrament signifies the grace which it infallibly causes, that is, by the very act performed, or by itself, provided that the recipient is suitably disposed. It was instituted by Christ, because, according to the more probable opinion, Christ, even as a man, instituted the sacraments by a power which is said to be excellent. (See *Opus Morale*, book 6, paragraphs 1, 2, and 3).

2. Therefore, three things are required for something to be a sacrament: 1. An external sign. 2. A promise of grace. 3. The institution of Christ, since all the sacraments derive their power from the Passion of Christ. It is debated whether circumcision was formerly a true sacrament, conferring grace by the very act performed? Scotus affirms this, but the Doctors generally deny it; for circumcision operated an external, visible sanctification, but not an internal one; however, it is commonly held that it was a true sacrament (book 6, paragraph 4).

3. Sacramentals, on the other hand, are certain sacred actions instituted

Translated by churchlatin.ai, a product of Boyne Archives

by the Church, such as holy water, blessings of objects, consecrations, and the like. These do not, by themselves, have the power to remit sins, but only to obtain divine helps for eliciting good actions, by which sins are subsequently remitted (book 6, paragraphs 90 to 94).

4. The sacraments are distinguished in many ways. Firstly, some are necessary by the necessity of a means, such as Baptism for all, Penance for those who have fallen into mortal sin, and Holy Orders for those who minister the sacraments of the Eucharist and Penance; also the Eucharist (according to the more probable opinion), at least implicitly in the vow (book 6, paragraph 492). Others are necessary by the necessity of a precept, such as Confirmation, according to the more probable opinion, although Navarrus, Suarez, Soto, Laym, Rono, Wigandt, and others, among the Doctors of the Church (in 3rd part, question 72, article 8), and others also hold this to be probable (book 6, paragraph 184), and Extreme Unction, according to the more probable opinion, which should always be administered (paragraph 733). Secondly, some sacraments are repeatable, such as the Eucharist, Penance, Extreme Unction, and Matrimony; others are unrepeatable, such as Baptism, Confirmation, and Holy Orders, because of the character which they indelibly imprint. Thirdly, some sacraments are for the dead, such as Baptism and Penance, because they confer the first grace and prepare the soul of the deceased, which is, that is, deprived of grace; others are for the living, which sometimes, by accident, also confer the first grace, namely, in the case where someone is contrite, believing in good faith that he is contrite, and receives the sacrament, as Lugo, Suarez, Concilii Cajetanensis, Salmeron, Castrop, and many others from the Doctors of the Church teach, contrary to others, according to the common opinion (book 6, paragraph 87). Fourthly, some are *in forma*, that is, with the effect of grace, others are *in informia*, that is, without the conferral of grace, which is the *forma* of the sacrament. Whether a valid and *in informia* sacrament of Penance, that is, without grace, can be given, some deny;

[*Latin ed. p. 13*]

But commonly, and others affirm this with certainty. The case would be this: if someone were to receive absolution from a mortal sin with only an attrition conceived from the supernatural turpitude of that sin, and with an excusable forgetfulness of another mortal sin. (He who wishes to see this question explained with all its reasons should observe book 6, number 444.)

5. — Question I. What is required for the essence of the sacrament? Three things are required: matter, form, and intention. Matter is a corporeal and sensible thing, which is applied to the recipient, e.g., water, chrism, holy oil, etc. And this is the remote matter, for the proximate matter is the very application of the matter, such as ablution, unction, etc.

Translated by churchlatin.ai, a product of Boyne Archives

6. — The form are the words pronounced by the minister. But in order for the sacrament to be valid, a connection, or simultaneous application of matter and form, is required, namely, that the matter be applied before the pronunciation of the form is completed, or after the pronunciation of the form has begun. However, the opinion that it is sufficient to apply the matter immediately before or after the pronunciation of the form is only probable, and not morally certain, as is required, when it is a question of the validity of the sacrament, according to proposition 4 of the decree from Innocent XI; therefore, it is not a probable practical opinion. However, the sacraments of penance and marriage are excepted, which are valid even if some delay is interposed between the matter and the form (book 6, number 9).

7. — If the substantial matter is changed, namely, if wine is applied instead of water, or if the form is changed, namely, if the words do not have the same meaning, for example, by saying, "I sprinkle you," instead of "I baptize you," the sacrament is invalid. Otherwise, if the change is accidental, namely, if the water is hot, or boiled, or if you say, "I baptize you in the name of the Father, and the Son, etc.," as is stated in the decree *Retulerunt, de consecr.*, dist. 4, or "in the name of God Almighty, etc.," then the change does not invalidate the sacrament (book 6, number 44).

8. — In a case of necessity, or of great utility, the sacraments can be validly conferred under a condition (at least with a retained intention) (4), not only the sacraments that imprint a character, as is certain from chapter 2 of the decree on Baptism, but also others, if the matter cannot be obtained except in a doubtful manner; thus, Suarez, Castrop, Habert, Bonae, Roncag., Salmant, and others commonly hold, against Juenin and Antoine (book 6, number 28 and 29). But can the minister use a doubtful matter or form if he is compelled by fear of death? Probably he can: unless he is compelled in contempt of religion; thus, Sanch. Coninch. If a foreign substance is mixed with the proper matter in a greater or equal proportion, the matter is unsuitable; otherwise, if it is in a smaller proportion; thus, St. Thomas (3rd part, question 74, number 3, ad 3). An interruption of the form, if it is slight, does not affect the validity of the sacrament. Otherwise, if it is such that the words do not constitute a single meaning (book 6, number 41).

[*Latin ed. p. 14*]

3.). It is not permissible to repeat the form, unless there is a probable doubt that the form was pronounced invalidly (loc. cit., n. 224, see "Adverendum"). Others say that certain material elements and forms of the sacraments were generally determined by Christ, and left to the Church, so that the Church herself might determine them in particular. But it is more probable that others teach that all were determined by Christ in substance. Therefore, if any difference is found between the new and the ancient cus-

Translated by churchlatin.ai, a product of Boyne Archives

tom of the Church concerning material elements and forms, that difference is considered to be merely accidental. (See this question referred to the "trutina" in Book 6, n. 42).

9. Finally, for the essence of the sacrament, the intention of the minister is required, and that intention must be actual, or at least virtual. Actual intention is that which is actually held. Virtual intention, on the other hand, remains in virtue of the action which the minister performs, based on a previously held actual intention; this is distinct from habitual intention, which is sometimes held and not retracted (loc. cit., n. 45). This habitual intention is not sufficient in the minister, but it is perfectly sufficient in those who receive the sacraments; and in cases of necessity, even if they themselves are asleep, or drunk, or have fallen into madness after they have already had the intention to receive, this is commonly taught by Lug, Castrop, Salm, and many others with D. Th. (in 4th dist., 6th question, 4th article, 2nd part), and it is clear from c. "Majores," §. "Verum, de baptismo," and also from the "Instructio de baptismo" issued by Benedict XIV, in the last month. Indeed, with regard to extreme unction, and even confirmation, an interpretative intention is sufficient for those who receive the sacrament, that is, an intention which the recipient does not have now, nor has ever had, but would have if they were aware of the matter (loc. cit., n. 81).

10. Question II. Who is the minister of the sacraments? With regard to order, only the Bishop is the minister (loc. 6, n. 761); and with regard to confirmation, he himself is the ordinary minister, because extraordinary ministers can also be simple priests (loc. cit., n. 170). For the other sacraments, only a priest is the minister, except for marriage (loc. cit., n. 897), and also for baptism in cases of necessity; in such cases, even laymen, and even heretics, can baptize (loc. cit., n. 143).

14. However, in order to validly administer the sacraments, it is not necessary that the minister be in a state of grace, because even sinners can validly administer them. However, heretics, and those excommunicated with a penalty, cannot validly administer the sacrament of penance. See the statements in Book 6, n. 560. However, for licit administration, the state of grace is required; but in extreme necessity, if the minister could not be found so quickly, he is probably excused from guilt if he administers; so say Soto, Suar, Tolet, Caj, Armil, Valen, Anacl. (See loc. 6, n. 33, and Gabrin. Luc. Moral., p. 2, tr. 44, n. 56). However, a parish priest, or an economic administrator, is never excused; for they must always be prepared to administer. Furthermore, a celebrant who is in mortal sin commits four mortal sins: 1. because he consecrates unworthily, 2. because he receives unworthily, 3. because he ministers unworthily.

[*Latin ed. p. 15*]

1. Because he administers the sacrament to an unworthy person, who is himself in mortal sin (l. 6, n. 35, see above).

Translated by churchlatin.ai, a product of Boyne Archives

2. Whether one commits a grave sin who, being in mortal sin, administers the sacrament out of necessity, if he is not ordained for it, such as a layperson contracting marriage or baptizing; or if he is ordained, but administers it not solemnly? Some, with probability, deny this, as Cont. Tourn., Natal., Alex., and others from *D. Th.* (3, p., q. 64, art. 6, ad 3). But it is more probable that they do sin gravely, as Cont. Tourn., La Croix, Antoine, Lugo, Pontius, Vasq., Navarr., etc., teach, because the sacred things must always be treated with reverence (l. 6, n. 32); and the minister, if in mortal sin, suffices to elicit a certain act of contrition (Ibid., n. 34); but one celebrating Mass must make a confession beforehand, except in the case where, on the one hand, he is obliged to celebrate out of necessity, and on the other hand, there is no priest available to hear confessions; but then, after the celebration, he must confess as soon as possible, as decreed by the Council of Trent, Session 13, chapter 7 (see l. 6, n. 255).

3. The confessor, hearing only the confession of one in mortal sin, it is more probable, with Lugo, Spor., Salm., Elbel, Croix, and others, that he does not commit a grave sin, because he does not consecrate the sacrament. But if he absolves several penitents, even successively, while in the state of mortal sin, he commits several grave sins, because he administers several distinct sacraments (l.c., n. 36, see question 5). Likewise, a priest or deacon administering the Eucharist while in mortal sin commits a mortal sin, because he is closely involved in the sanctification of those who receive Communion. This is to be held with many, contrary to others (l.c., n. 35). But one celebrating Mass while in mortal sin, if he administers the Eucharist to several people, it is more probable that he commits only one grave sin, because that administration and Communion are a single moral act, a single banquet (see l. 6, n. 35, see above).

4. Deacons and subdeacons, if they minister at the altar while in mortal sin, according to many, probably commit a grave sin, but according to the more common and sufficiently probable opinion, this is denied; because they do not consecrate nor administer the sacrament, nor do they exercise functions closely ordered to the sanctification of souls (l. 6, n. 37 and 38). Likewise, a preacher who preaches while in mortal sin does not commit a grave sin, as is commonly and probably taught by Gonet, Lugo, Castrop., Bonac., Vasq., Salm., Croix, and others (contrary to Merb., Juen., etc.); because he does not exercise the order itself, but an office annexed to the order, which by itself does not cause grace, as the sacraments do (l.c., n. 44).

5. The minister commits a grave sin if he gives the sacrament to an unworthy person secretly; otherwise, if that person is a hidden sinner and asks publicly for it (l.c., n. 43, ad 51). It should be noted that even the Bishop can deny someone the collation of the order for hidden sins, even if that person asks publicly for it, according to the Council of Trent, Session 14, chapter 4,

Translated by churchlatin.ai, a product of Boyne Archives

where it is said that a cleric must obey the prelate who forbids the reception of the order for a hidden crime. Nor is the Bishop then obliged to manifest the reason why he refuses to ordain, as...

[*Latin ed. p. 16*]

The Holy Congregation of the Council has declared this on several occasions (lib. 6, n. 52). As for whether a confessor can absolve a penitent who is obstinate in grave sins, and who wishes to receive the sacred order without prior examination, see what is said in lib. 6, n. 63, 46. – It is not permitted for a minister, even out of fear of death, to feign the administration of the sacrament, as stated in proposition 29, condemned by Innocent XI. However, a minister is considered to be feigning the administration when he pronounces the form without intention, or says something else, in order that others may believe that he is already conferring the sacrament. Therefore, it is permissible for a confessor to recite a prayer over a penitent who is indisposed, not so that others may believe that absolution is being administered to him, but only to conceal the denial of absolution; for then he is not feigning the administration of the sacrament, but only concealing the truth (lib. 6, n. 59). Furthermore, Cardenas rightly states that a confessor, when the penitent threatens him with death if he does not absolve him, can say, "I do not absolve you," pronouncing the word "not" submissively, because this is not a purely mental restriction; as Viva objects, since the confessor is not obliged to ensure that the penitent hears the words of absolution, and therefore he has no right to require the confessor to pronounce all the words of the form intelligibly (Ibid. in fine). 47. – Just as it is not permitted for a minister to feign the administration of the sacrament, so neither is it permitted for others to feign the reception of the sacrament, as say Cardinals Croiae and Gormaz. However, this does not prevent it from being permissible for someone to approach the confessional and to kneel there for some business to be done. Furthermore, Sanch., Cone. Castrop., Cardinal Viva, Croiae, and others, contrary to Milante, state that if a party is forced, against his will, by unjust fear, or has a dispending impediment, to contract marriage, in order to avoid scandal, then he may (at least without grave guilt) feign the celebration of the marriage; for then, if there is a lack of consent, the contract is lacking, and if the contract is lacking, the sacrament also does not exist (lib. 6, n. 62). 48. – A minister administers the sacrament invalidly if he does not intend to perform the external act that the Church performs, and if he does not use the sacramental rite that the Church intends to use, which was instituted by Christ, even if the minister, not in jest (as Luther still foolishly admitted), but seriously administers it, as we have shown in the Moral Theology (lib. 6, n. 20, and 23). If, however, he intends this already, he administers the sacrament validly, even if he does not have an explicit intention of conferring the sacrament. I say he does not have an explicit intention; for if he positively had the intention of

Translated by churchlatin.ai, a product of Boyne Archives

not conferring the sacrament, then he would not confer it, because then he would truly have no intention of doing what the Church does (Ibid. n. 23). A priest, however, who uses sacramental objects, such as blessed water, in a mortal sin, does not commit a grave sin (n. 40). 49. – Question III: What is required in order that someone may validly and licitly administer the sacraments?

[*Latin ed. p. 17*]

Whether one can validly receive the sacraments? It is required that 1. One be baptized, for otherwise one is not capable of receiving the other sacraments. 2. Except for the sacrament of Baptism, for which no intention is required in children, and in those perpetually insane, since in them the intention of the Church suffices; in the other sacraments, it is necessary that the recipient at least have beforehand the intention (which is called habitual) of receiving the sacrament, and that he not revoke it, as we said above, number 9. Hence, if someone is ordained by force, he would be invalidly ordained; otherwise, if by fear, because fear does not remove the voluntary act. It is most probable that the sacraments can be validly conferred even upon the intoxicated, as well as those fallen into insanity, if they have the intention of receiving them; so say Lugo, Castrop, Salm, Croia, Cardinal Lamberti, etc., according to the Doctors of Theology and the Canons. However, concerning Baptism and Holy Orders, it suffices even at the time of death, for a recipient deprived of the use of his senses, the interpretive intention; as is stated in the Ritual, and also for Confirmation and the Eucharist; as say Lugo, Conino, Spor, Croia, etc. But not concerning Baptism and Holy Orders; and much less concerning Penance and Matrimony, in which a current, or at least virtual, intention is absolutely required (l.e., number 82). In order for someone to validly receive the sacraments, a suitable disposition is required, namely, the state of grace; hence, if someone is in mortal sin, he must at least be contrite with the purpose of confessing. Indeed, for receiving the Eucharist, prior confession is required, unless necessity compels, and a confessor is not available, in which case the priest who celebrated must, as soon as possible, confess (as we said, number 12), according to the Council of Trent, Session 13, chapter 7. Necessity will be present 1. In order to give Viaticum. 2. In order to avoid infamy or scandal. 3. If he is a parish priest, and a holy day of obligation occurs. 4. If the celebrant, after consecration, remembers a mortal sin (l. 6, number 262). Furthermore, it should be noted that a person who receives the sacrament of Penance without disposition, not only does so licitly, but also invalidly receives it, since the contrition of the penitent is also the matter of this sacrament. With regard to the other sacraments, if someone receives them while indisposed, he receives them validly; so that, when the pretense or obstacle of sin is removed, they become effective again, that is, they produce grace, as teach many Doctors of Theology (l.e., number

Translated by churchlatin.ai, a product of Boyne Archives

87). 20. — Question IV. Is it permissible to request the sacraments from a sinful or excommunicated minister? It is not permissible from a sinner, even if he is a parish priest (whatever some may say), unless there is a just cause; a grave reason suffices (ib., number 89), as commonly teach Suarez, Sanchez, Scotus, Palotius, Tollet, Anaclarius, Holxmius, Salmeron, etc. Hence, they say it is permissible to request them 1. If the precept of confession or Communion, or of Mass, is urgent, or if an indulgence is to be gained. 2. If one otherwise must be absent from a Jubilee. 3. If one would otherwise remain in mortal sin, even for an hour, as say Suarez and Escobedo. 4. If one must be absent for a long time from the fruits of Communion, or of confession, etc. Absolutely, however, without any other cause, it is permissible to receive the sacrament from an excommunicated person, if...

[*Latin ed. p. 18*]

It is permissible to communicate with those who are excommunicated, because the Council of Constance absolutely decreed that the faithful may communicate with those who are excommunicated (Lib. 6, n. 88, v. Resp. II). However, even in the case of those who are excommunicated, it is not permissible to administer the sacrament of Penance, because, as we have said (n. 14), even in extreme necessity, the excommunicated person invalidly administers it.

21. — Question: Is it permissible to give money for the administration of the sacrament, if the minister refuses to administer it freely? It seems to be denied by St. Thomas (2-2, q. 400, art. 2, etc.), who states that an adult, even at the point of death, cannot administer anything in order to obtain baptism, saying that at that time, baptism with water is sufficient for his salvation. However, many, including Bonaventure, Salmeron, and Roncaglia (Bon. de Sim. d. 1, q. 4, §. 2, n. 2; Salm. tr. 49, ibid. tit. n. 12; Ronc. ibid. tit., p. 211, in Praxi n. 3), along with Suarez, Lessius, Sanchez, Laym, Castrop, and others, assert that money can be given in extreme necessity, and even in grave necessity of the sacrament. The reason is that, on the one hand, the giving of money is not intrinsically evil; it is a material, not a formal, cooperation, provided that it is not done in cooperation with the minister's wicked will, as stated in l. 6, n. 63. On the other hand, the one who receives the money does not commit simony, because he does not give the money in order to buy the sacrament, but rather to alleviate the annoyance of a minister who unjustly denies the sacrament; and therefore, he gives something temporal for a purely temporal reason. This is even more true if the one who receives the money is a faithful person, because he then has a right to the sacrament, as St. Thomas himself (ibid. ad 5) teaches that after a right has been acquired, it is permissible for anyone to give money to remove an unjust impediment. Suarez, Fillius, and Crociani admit this, not only for baptism and penance, but also for the Eucharist;

Translated by churchlatin.ai, a product of Boyne Archives

and Bonacorsi extends it even to extreme unction.

22. — Concerning the effects of the sacraments. The effects of the sacraments are twofold: the conferral of grace, and the impression of a character. Therefore, the first effect is grace. Two kinds of grace are conferred in the sacraments: sanctifying grace, which makes a person a friend of God, and sacramental grace, which is proper and particular to each sacrament, in order to cause its own proper effect: baptism, to cleanse from sins; confirmation, to strengthen in faith; the Eucharist, to nourish the soul; penance, to remit sins; extreme unction, to give strength against the temptations of demons in the final struggle; ordination, to confer the helps necessary so that the ordained person may properly exercise his duties; and marriage, so that spouses may well bear and fulfill the burdens and obligations of that state.

23. — The sacraments cause grace in the recipient through the work accomplished, that is, through themselves, not through the work of the one administering, but through the merit of the recipient. However, do they cause it physically, so that the matter of the sacrament, namely water, oil, etc., which, although it is only a natural cause, is nevertheless elevated by God?

[*Latin ed. p. 19*]

To cause grace, as taught by St. Thomas? Or only morally, so that, with the sacrament conferred, God Himself imparts grace, as Scotus desires? Both opinions are probable (lib. 6, n. 7). But the sacraments of the dead, such as baptism and penance, of themselves have the power to cause original grace. Other sacraments, which are for the living, only cause an increase of grace; but sometimes, in those who believe themselves to be contrite, they also cause original grace, as taught by St. Thomas concerning the Eucharist, and concerning extreme unction, and so on. (L. 6, n. 6).

24. — Another effect of the sacraments is the character. A character is a certain spiritual and indelible seal imprinted upon the soul of the recipient of the sacrament; it is imprinted only in baptism, confirmation, and holy orders, and it signifies the power, or dignity, received from such sacraments: in baptism, it is the sign of Christ's sheep, by which the faithful are made fit to receive other sacraments; in confirmation, it is the sign of Christ's soldiers, by which they receive strength to constantly profess the faith; in holy orders, it is the sign of Christ's ministers, by which they acquire the power to administer the sacraments to the faithful. The character is also imprinted in a sacrament illicitly received; nor is it lost through sin. It should also be noted that from baptism and confirmation arises another effect, namely, the impediment of spiritual consanguinity, which invalidates marriage between the baptizer and the baptized, between the baptized father and mother, and between the recipient (or godfather) and the recipient, and between the recipient's father and mother.

Translated by churchlatin.ai, a product of Boyne Archives

CHAPTER II. Of the Sacrament of Holy Orders in General.

What is Holy Orders?

25. What is ordination?

26. How many orders are there; and is the episcopate a distinct order?

27. Are the individual orders sacraments?

28. What are the matter and form of holy orders; and concerning the physical act, and the simultaneous act?

29. Who is the minister?

30. The effects.

31. What is required for someone to be validly ordained?

32. What is required for someone to be licitly ordained? I. Confirmation. II. That he is not infamous, etc. Concerning the bishop's protestation, etc. III. The intention to minister. IV. That it be by his own bishop, etc.

33. Who is the proper bishop? Concerning regulars, etc., remission.

34. V. Knowledge.

35 and 36. VI. Title; and how much title is required.

37 and 38. Concerning patrimony.

39. VII. That the inferior order be received before the superior order.

40. VIII. The proper time.

41 and 42. IX. Interstices.

43 and 44. X. The place.

45. XI. Filial piety.

46. XII. The exercise of the order received.

47. XIII. Divine vocation.

48. Who incurs suspension, etc.?

49. 25. — According to St. Thomas, Holy Orders is the sign of the Church, by which spiritual power is conferred upon the ordained. It is a matter of faith that Holy Orders is a sacrament, as is clear from the Council of Trent, Session 23, chapter 3. For in Holy Orders, three requirements for a sacrament are already found, namely, an external sign, which is the imposition of hands, as is done in the Old Law with the priests and Levites; and an institution appointed by Christ, as is clear from the Gospels; and an effect conferred by God, which is the spiritual power.

[*Latin ed. p. 20*]

The laying on of hands; the institution of Christ, as found in Luke 22. "Do this in remembrance of me"; and the promise of grace, as found in 1 Timothy 1. I remind you to revive the grace that is in you through the laying on of my hands. 26. However, the order differs from ordination. Order is the power itself that is transmitted; ordination is the action by which the Bishop transmits that power. Therefore, the priesthood is a sacrament in

Translated by churchlatin.ai, a product of Boyne Archives

its being, that is, in the act of ordination, and not in its essence, that is, when someone is already ordained. There are seven orders, some lesser, some greater. The lesser orders are four: namely, the order of Acolyte, the order of Lector, the order of Exorcist, and the order of Ostiarius. The greater orders are three: namely, the order of Subdeacon, the order of Deacon, and the order of Presbyter. Besides these, it is probable that several Doctors add the order of Bishop, and indeed, this is very probable, and Bellarmine, Sanch, Habert, Tourn, etc., commonly hold this view, since the episcopate is reasonably distinguished from the priesthood because of the distinction power that is conferred upon the Bishop, namely, the power of conferring upon others the power of consecrating the Body of Christ, and of absolving the faithful from sins (See book 6, no. 738). 27. Question I: Are the individual orders sacraments? That the priesthood is a sacrament is a matter of faith. That the diaconate is also a sacrament is certain, but not a matter of faith. That the other orders are also sacraments is quite probable, according to St. Thomas, since it seems that a matter and a form are assigned to each order. All seven orders (according to this view) constitute only one sacrament because of the unity of purpose, since each is ordained to the one sacrifice of the Mass, and all are said to have been instituted by Christ with those words: "Do this in remembrance of me." In the order of the priesthood, others are either contained eminently, as are the lesser orders, or consequentially with respect to the episcopate. However, it is more probable that the other orders (besides the priesthood and the diaconate, as we have said) are not sacraments, because they lack the matter, namely, the laying on of hands, which, as we will say, is probably the only matter of the order; and they also lack the form, which expresses the production of grace, since in the conferring of these orders, mention is made only of the power that is transmitted, but not of the grace. This question has been discussed more fully in Moral Theology, book 6, nos. 736 and 737. 28. Question II: What is the matter and form of the order? There are three opinions. I. It is held that the matter of the order is solely the tradition of the instruments; but this is not sufficiently probable. II. It is held that the proximate matter is twofold and integral, namely, the tradition of the instruments, by which is transmitted the power over the real Body of Jesus Christ for the purpose of sacrifice, with the formula: "Receive the power," etc., and the laying on of hands, by which is transmitted the power over the mystical Body for the purpose of absolving from sins, with the formula: "Receive the Holy Spirit," etc. The remote matter (according to this view) are the hands of the Bishop, and the instruments that are used to touch.

[*Latin ed. p. 21*]

I. It is held that the matter consists solely of the imposition of hands; and the form is the prayer which the Bishop recites (How this is proven is explained in Book 6, paragraph 749). However, since the opinion in II is also

Translated by churchlatin.ai, a product of Boyne Archives

probable, namely that the matter of the order consists of two parts, namely the imposition of hands and the tradition of the instruments, the latter must indeed be observed. Therefore, the touching of the instruments is necessary in the ordination, and indeed a physical touching, since it is also probable that a moral touching is not sufficient. However, it is sufficient to touch with a single hand, or even a finger (Ibid., paragraph 763). Moreover, as we have said in paragraph 6, it is not necessary that the contact be made from the beginning of the recitation of the form until the end, but it is sufficient if it is made before the form is completed, or after it has begun. The form consists of the words which the Bishop, who is ordaining, speaks, while he imposes his hands and hands over the instruments, as mentioned above. It must be noted again, 4. that in the conferral of a sacred order, the matter must be handed over by the same Bishop who pronounces the form; this is different in the conferral of minor orders: thus the Doctors of Theology (Supplement, question 38, article 4, section 2) and others state. It should be noted, 2. that if the orders are conferred by one Bishop, but another celebrates, the ordination will be valid, but illicit, as declared by Innocent XIII, apud Benedict XIV (De Synod., book 8, chapter 41, paragraph 7). 29. — Question III. Who is the minister of the order? The ordinary minister of this sacrament is only the Bishop. However, the Pope can grant a simple priest the power to confer minor orders, as Abbots with the mitre have; but they have this power only for their regular subjects who have made their profession, or for novices, and not for secular clergy, as is now certain, from a decree of the Sacred Congregation, approved by Urban VIII, who ordered that it be observed inviolably, and rejected all contrary opinions (Book 6, paragraphs 763 and 764, and Tractate on Privileges, paragraph 417). Secular clergy, however, are illicitly ordained by Abbots, if they are subject to them, or if they have letters of dispensation from their own Ordinaries to them, and they incur suspension, but they are validly ordained, as declared by the Sacred Congregation. See the statements in the same Tractate, book, chapter 30. — Question IV. What are the effects of the order? There are three: 1. The conferral of the sanctifying grace, namely that which is conferred in every sacrament, as we have said in paragraph 22, and the conferral of sacramental grace, namely, special help for the proper exercise of the order. 2. The conferral of the power to exercise the functions of the order received. 3. The impression of an indelible character, because the conferral of any order cannot be repeated. 34. — Question V. What is required for someone to be validly and licitly ordained? In order to be validly ordained, it is required that: I. He be a man. II. He be male; women are also not capable of the sacrament of orders. III. He be baptized. IV. He have at least a habitual intention (according to the statements in paragraph 9) of receiving the order. 32. — In order to be licitly ordained, it is required

Translated by churchlatin.ai, a product of Boyne Archives

that: I. He be confirmed:

[*Latin ed. p. 22*]

but this is not under a grave precept, as the common opinion holds (l. 6, n. 786). Regarding the obligation of each faithful to receive confirmation, see the aforementioned book, l. 6, n. 184, II. Namely, that one should not be a neophyte, or infamous, or irregular. It is doubted here whether someone ensnared by irregularity can validly be ordained, if the Bishop precedes the ordination with a declaration (as is customary) that he does not wish to ordain irregulars, excommunicated persons, etc.? I answer, in this doubt (whatever others may say), it must be said with all certainty that the ordination must be repeated; unless it is established that the Bishop uttered those words only to inspire fear, and that his intention was in no way bound by the declaration (l. 6, n. 784). Furthermore, Benedict XIV wisely warns in *De Sacr. Miss.*, sect. 2, § 70, that one must inquire of the Bishop about his intention. The same Benedict, in *De Syn.*, l. 8, c. 44, n. 4, warns Bishops to abstain from this declaration; for although (he says, speaking of Lugo), a Bishop might, in some very serious case, have a conditional intention, nevertheless, this cannot be universally applied to all those being promoted without several inconveniences. He adds, speaking with Navarro, Gobato, and again with Lugo, that the Bishop, when conferring orders, is strictly bound by a grave fault to confer them absolutely upon those to whom he lays hands. What, therefore (he rightly concludes), will that declaration avail, except to instill more scruples in those who are being promoted? III. The disposition for ordination is required, as prescribed in the Council of Trent, session 23, c. 4, namely, the desire to advance to higher orders. However, this must be understood to apply when someone accepts a benefice for which the priesthood, or another sacred order, is required (l. 6, n. 785). IV. It is required that each person be ordained by his own Bishop, or by another, but with letters of dispensation from his own Bishop, if he is hindered by infirmity, or another just cause. Furthermore, in the case of a vacant see, today (whatever may have been the case in antiquity), the chapter cannot grant dispensations to anyone, unless that person is bound to receive the order due to a benefice requiring personal service (l. c., n. 788). 33. — A Bishop is said to be one's own Bishop either by reason of origin, or of domicile, or of a benefice, or of familiarity. And I. Orders should be received from the Bishop of origin, if the person to be ordained was born in his diocese, and his parents resided there at the time of his birth; for if, by chance, he was born elsewhere, and his parents resided elsewhere, then he is said to be of that place, and he should be ordained by the Bishop of the place where his parents reside. II. By reason of domicile, one who has established his residence in a certain place, with the intention of remaining there permanently, is rightly ordained. This intention is proven either by residence for ten years, or by the construction of a house with the removal

Translated by churchlatin.ai, a product of Boyne Archives

of the greater part of one's possessions, and by living there for a notable period of time, as is stated in the bull *Speculatores* (see l. 6, n. 770, ad V.). III. By reason of a benefice, even if someone was born elsewhere and has his domicile there, he can rightly be ordained by the Bishop in whose diocese

[*Latin ed. p. 23*]

Benefices sufficiently endowed for proper sustenance are held, provided that testimonial letters are obtained from the Bishop of the diocese; however, he may examine the candidate if he intends to return there, according to the bull. But it must be noted that, in order for someone to be ordained by a Bishop to a benefice, he must at least have been tonsured; otherwise, he is not capable of receiving the benefice, and therefore not fit to receive the Orders from that Bishop. IV. Finally, by reason of familiarity, if someone has remained for three years in the household, or in the constant service of a Bishop, living at the Bishop's expense, even if he does not reside in the Bishop's house, he can be ordained by that Bishop, provided he resides in the place where the Bishop is, or nearby; and provided that the Bishop immediately confers a true benefice upon him; it is not sufficient if he only assigns a pension, or an estate (Ibid. n. 780). 34. — Regular canons, however, are to be ordained by the Bishop of the place where they reside, if the Bishop has the authority to ordain at the prescribed times; otherwise, they can be ordained by any Bishop. See what is said on this matter in Book 6, n. 768 and 788, note 8. 35. — V. Suitable knowledge is required for receiving Orders. The Council of Trent requires only that those to be admitted to the first Tonsure have been instructed in the fundamentals of the faith, and know how to write, session 23, chapter 4. For those to be admitted to the minor Orders, it is required that they understand the Latin language, ibid., chapter 44. For those to be admitted to the subdiaconate and diaconate, it is required that they be instructed in the letters and in those things which pertain to the exercise of the Order, chapter 43. Finally, for those to be admitted to the priesthood, it must be ascertained that they are suitably qualified, after careful examination, to teach the people those things which are necessary for all to know for salvation, and to administer the sacraments. Ibid., chapter 44. Note that the words "to administer the sacraments" are used when ordaining; therefore, the Doctors say that those who are to be ordained to the priesthood must know not only what pertains to Baptism, the Eucharist, etc.; but also what pertains to Penance; for although a priest being ordained does not require as much knowledge as an approved confessor, he must nevertheless know the universal moral principles, by which he can resolve doubts commonly occurring in cases of necessity, in which he is obligated to receive the confession of the dying, and he must certainly know how he ought to behave with those who are near death, namely: 1. When can he absolve them, even in the presence of

Translated by churchlatin.ai, a product of Boyne Archives

an approved confessor? 2. When absolutely, and when conditionally? 3. Is it only in articulo mortis, but also in danger of death, and in what kind of danger? 4. What should he impose on the sick person, if he has sins or censures reserved? See what is briefly said below on this obligation, n. 430. Moreover, the Bishop can rightly require greater knowledge than that required by the Council (Book 6, n. 792, see Advertisement 2). 36. — But in regular canons devoted to a contemplative life, or only to the choir, and the altar, or the sacristy, less knowledge is required.

[*Latin ed. p. 24*]

Now, let them know what pertains to the exercise of the order; and therefore, they ought at least to be instructed in grammar, otherwise they will be irregular, even by divine law, so that not even the Pope could dispense for them. However, this irregularity, once the cause of ignorance is removed, is removed from itself without dispensation (l. c. n. 791. Qu. 2. et 3.). 37. — VI. A title of support is required; otherwise, the Bishop is bound to support the order, or those to whom he grants dispensations, until that one has a title, as is stated in chapter Cum secundum, de præb. et oap. We have received, concerning age and quality, etc. However, this must be understood, unless the Bishop has been culpably deceived, or unless the ordained one already has from elsewhere where he can live (l. 6. n. 843.). 38. — The title of support, however, can be threefold: poverty, benefice, and patrimony. Only those regular canons who have professed poverty are ordained with the title of poverty. Secular clergy, on the other hand, must be ordained with the title of benefice, which must be certain in the present, and sufficient for proper support according to the tax of the diocese, Orense, or the benefice, if the benefice requires residence (Ibid. n. 815. et 816.). Note that the Sacred Congregation, on July 17, 1723, left it to the discretion of the Bishop whether or not to deduct the offerings of Masses from a benefice or chaplaincy (l. c. n. 774.). For the title of patrimony, Bishops can only ordain secular clergy for the necessity or convenience of their churches, as prescribed by the Council of Trent, session 21, chapter 2. The patrimony, however, must consist of a certain and stable thing, of its own nature productive, peacefully possessed, and free from all burden. A perpetual census is also sufficient, even if it is redeemable (l. c. n. 847.). 39. — Here, it is doubted: 1. whether one incurs suspension who is ordained with a fictitious patrimony. Some probably deny it; but others more probably affirm it; and this is certain in the diocese of Naples (l. 6. n. 820. et 821.). Doubt 2. According to the aforementioned more probable opinion, whether one also incurs suspension who is ordained with a truly given patrimony, but with a promise, or understanding, of returning it to the giver after ordination? I distinguish: If the giver truly has the intention of giving, he does not incur [suspension], because that agreement regarding the return of the patrimony is considered null, as the Holy Congregation has declared

Translated by churchlatin.ai, a product of Boyne Archives

(and the Sacred Congregation has repeatedly declared that any alienation of patrimony without the permission of the Bishop is invalid). Otherwise, if the giver does not have the intention of giving, because then the recipient has not acquired any dominion over the thing (Ib. n. 822. ad 824.). 40. — VII. It is required that the lower order be received before the higher order, otherwise, he who is ordained by jumping over [the intermediate order] incurs suspension by that very act from the exercise of the order received, until the Bishop dispenses (l. 6. n. 793.). VIII. That the order be received at the proper time. The higher orders can only be received on the four Sabbaths of the year; on the Sabbath before the Sunday of the Passion, and on Holy Saturday. The lower orders, however, can be received on any day.

[*Latin ed. p. 25*]

On feast days, and also on the Friday before Saturday, and on the fourth day of the week, according to established custom. However, in Ferrar. Biblioth. vol. 5, under the word "Ordo," no. 7, a decree of the Sacred Congregation of Councils, dated April 13, 4720, is cited, which states that, with regard to the minor orders, a custom can be tolerated if it is of long standing, namely, that they be administered the day before Friday, after dinner, but it is advisable for the Bishop to conform to the Roman Pontifical. However, anyone who is ordained outside of the proper times incurs a suspension by that very act (Lib. 6, no. 794).

41. — IX. It is required that the orders be received at the proper intervals of time. And among the minor orders, some interval is required; it is said that some interval is required, because it is not precisely determined by the Council of Trent, in session 23, chapter 44, where it is also added, "Unless it seems more expedient to the Bishop." However, the Bishop can freely confer the first tonsure with any of the minor orders.

II. To proceed from the minor orders to the subdiaconate, a period of time is required: unless necessity, or the benefit of the Church (meaning the Church to which the person being ordained is attached) requires otherwise, according to what is stated in Trent, loc. cit. III. To proceed from the subdiaconate to the diaconate, a period of time is also required, but the Bishop can dispense with this for any reasonable cause; for in Trent, chap. 43, it is said: "Unless it seems otherwise to the Bishop."

IV. Finally, to proceed from the diaconate to the priesthood, at least a year's interval is required; unless, for the benefit of the Church, and out of necessity, something else seems more appropriate to the Bishop, as in Trent, chap. 44. Note here that by "benefit and necessity," understand moral necessity, namely, a notable and certain benefit to the particular Church.

42. — Here it should be noted that 4. anyone who receives two sacred orders on the same day incurs a suspension by that very act, and also irregularity (Lib. 6, no. 796). However, someone who were to receive four minor orders on the same day, together with the subdiaconate, would indeed sin

Translated by churchlatin.ai, a product of Boyne Archives

gravely, but would not incur a suspension (loc. cit., no. 797 and following).

Note 2. that if someone is ordained without observing the proper intervals, but on different days and at legitimate times, he also sins gravely, but it is more likely that he would not incur a suspension (loc. cit., no. 796, vers. Dub. 2).

Note 3. that religious, by their pontifical privileges, can be ordained outside of the proper times, with the permission of their superiors, according to what is stated in the treatise on Privileges, nos. 445 and 446. However, they should be ordained on a feast day, as it is more probable that this should be the case (Lib. 6, no. 797, Dub. 4).

Note 4. that if someone were to receive the priesthood, omitting the diaconate, he would indeed be validly ordained, but he would not be able to exercise the priesthood, unless he first received the diaconate, as is stated in chapter one on clerics, per salt. However, if someone were to receive the episcopate without having received the priesthood, he would be invalidly ordained.

44. — X. A place of ordination is required, namely, that it take place in a church, and that the Bishop reside in his own diocese: for if the Bishop is in...

[*Latin ed. p. 26*]

XI. The proper age is required, which for the first Tonsure must be at least seven years, and in Naples, at least ten. The minor orders can be regularly conferred from the age of 7 to 14. The Subdiaconate at the age of 22. The Diaconate at the age of 23. The Priesthood at the age of 25, according to the Council of Trent, Session 23, chapter 12. Age is computed, not from the day of baptism, but from the date of birth. However, it suffices that the year has begun, according to common usage. For receiving simple benefices, the age of 14 is sufficient, according to the Council of Trent, Session 23, chapter 6. But if the benefice is a cure, the age of 25 is required, according to the same Council, chapter 12. For a canonry, the age of 22 is required, according to the Council of Trent, Session 22, chapter 4. Although for collegiate churches, the age of 14 is sufficient. Finally, for the Episcopate, the age of 30 is required (see law 6, number 799).

44. It should be noted that if someone is knowingly ordained before the legitimate age, he incurs a perpetual suspension, from which he cannot be absolved except by the Pope, or by a Bishop, if the ordination was concealed, according to the Council of Trent, Session 24, chapter 6 (cited in number 799). We say "knowingly," because Pope Pius II imposed this suspension only on those who are ordained through temerity; therefore, crass ignorance is more likely to excuse them, so that when they reach the proper age, they can properly exercise the order (Ibid., Dub. 1 and 3). But does someone who receives the priesthood before the proper age incur

Translated by churchlatin.ai, a product of Boyne Archives

an irregularity? Some affirm that, because (as they say) a newly ordained priest, when concelebrating with a Bishop, truly consecrates; and therefore, he is already exercising the order he has received, albeit with a suspension. But others, more commonly and with strong probability, deny this, because it does not seem just that someone should incur two penalties through the same moral action, namely, suspension and irregularity; and Suarez states that those ordained in this way are not considered irregular. The same is to be said of deacons and subdeacons: unless they are already exercising the order they have received in the same ordination Mass, because then they cannot avoid an irregularity, at least if they offer themselves to minister at the ordination Mass (see law cited, number 799, Dub. 3).

45. XII. In order to be admitted to a higher order, it is required that one has exercised the order previously received; but according to Salm (De Ordin., chapter 4, number 74), this is not a matter of grave necessity.

XIII. Finally, divine vocation is required, as the Apostle says: "Neither doth any man take the honour to himself, but he that is called by God, as Aaron was." Hebrews 5:4. The signs of divine vocation are: 1. Suitable knowledge. 2. A right intention of dedicating oneself to God and to the salvation of souls. 3. A virtuous life, which is most necessary for recognizing a true vocation, as stated by the Council of Trent: "Bishops must see to it... that only those of worthy character are admitted to these orders... and whose life has been proven virtuous in their old age." Session 23, chapter 12. And as St. Thomas teaches (Supplem., question 35, article 1, ad 3), saying: "Not any goodness suffices, but an excellent goodness is required," giving this reason: "Just as those who receive the order are to be above the people..."

[*Latin ed. p. 27*]

Therefore, let those who are appointed to these offices be meritorious in sanctity. Hence, if anyone, without these signs, and consequently without divine vocation, ascends to the altar, he cannot be excused from a grave fault; firstly, because of the grave presumption by which he intrudes himself into the sacred ministry, as Saint Anselm says. For he who intrudes and seeks his own glory, robs the grace of God; and therefore, he does not receive a blessing, but a curse. Secondly, because of the great danger of damnation to which he exposes himself, as the wise Bishop Abelly says: "He who, knowing that he has no divine vocation, intrudes himself into the priesthood, undoubtedly throws himself into open peril of salvation." And bishops sin grievously who admit such men to the orders, transgressing that precept of the Apostle: "Impose not hands lightly upon any man, neither be partaker of other men's sins. Keep thyself chaste." 1 Timothy 5:22. These words, explaining Saint Leo, in his Epistle 4 (also 87) to Africa, 2, says: "What is it to be partaker of other men's sins, if not to ordain one who is such that he does not deserve to be ordained?" Therefore, in the

Translated by churchlatin.ai, a product of Boyne Archives

decree "Nullus," Dist. 24, it is universally prescribed to bishops: "No one shall be ordained unless he has been proven." 46. It is also fitting here to note who, from the aforementioned, incur suspension by the very fact of their illegitimate ordination. They incur it: 1. Those who are ordained without the permission of their Ordinary, or without his testimonial letters, when they are ordained by a bishop of a benefice. 2. Those who receive two sacred orders on the same day. 3. Those who are ordained outside of the proper times. 4. Those who are ordained by a bishop remaining in a foreign diocese, without the permission of the local bishop. 5. Those who are knowingly ordained before the legitimate age. 6. Those who are ordained by jumping over the preceding order. Lastly, those who are ordained through simony; for he remains suspended by the very fact of having received the order through simoni, and is prevented from ascending to higher orders; however, this does not apply if the simony was committed by another, without the knowledge of the ordained person (See l. 4, n. 109).

CHAPTER III. OF ORDERS IN GENERAL.

ARTICLE I. Of the First Tonsure.

What is the First Tonsure? And is it an Order? What if someone is ordained without the Tonsure? 47. Privileges of the tonsured. 48. Of the obligation of wearing the habit, and the Tonsure. 49 and 50. Who are deprived of the privileges of the subdeacon and canon? 51.

47. — THE First Tonsure is not an order, but a preparation, or disposition for the orders, since it has no office concerning the ministry of the altar.

[*Latin ed. p. 28*]

It is commonly held by theologians, along with St. Thomas (Supp. q. 40, art. 2), and it is proven from the Council of Trent, Session 23, chapter 2, where the reception of the Tonsure is prescribed, and it is stated: "That those who have already been marked with the clerical Tonsure may advance from the lesser to the greater orders; therefore, the Tonsure is considered the first step among the orders" (See l. 6, n. 734). A cleric signifies one who is called to a particular purpose, namely, to render service to God. They are tonsured if their hair is cut in the manner of a crown, to signify the royal dignity of those who are called to the service of the Lord. The Roman Catechism states that St. Peter instituted the first Tonsure. To be able to receive the Tonsure, it is required that one be: 1. a male; 2. confirmed; 3. able to read and write, and at least know grammar, in addition to the fundamentals of the faith; 4. and have a desire to serve God. He who is ordained without the Tonsure sins gravely against the decree of the Council of Trent, but is validly ordained; however, he remains suspended until the pleasure of the Bishop. But he who has already received a certain order without the first Tonsure is not obliged to receive it afterwards, because,

Translated by churchlatin.ai, a product of Boyne Archives

by having received the order, he has already become suitable for receiving others.

48. — The effects and privileges of the Tonsured are these: I. The Tonsured is transferred to the clerical state, from which he acquires the privilege of the forum, by which he is exempted from the jurisdiction of the civil forum, provided he wears the habit and the Tonsure, and serves a Church by order of the Bishop, or is in a seminary, or in a school with the permission of the Bishop, as is stated in the Council of Trent, Session 23, canon 6. II. He also acquires the privilege of the canon, so that those who injure him maliciously incur a reserved excommunication from the Pope, if the injury is grave; from the Bishop, if it is slight. III. The Tonsured becomes capable of receiving ecclesiastical benefices, provided he is 14 years old. IV. He also becomes capable of all ecclesiastical jurisdiction in conferring benefices, imposing censures, and judging spiritual causes.

49. — Question: How do clerics sin, and what penalties do they incur, if they do not wear the habit or the Tonsure? And when are they deprived of the privilege of the forum and the canon because of this? Clerics in the lower orders, as is commonly said by Doctors, do not sin gravely if they do not wear the habit and the Tonsure; indeed, commonly Soto, Navarrus, Arminius, Castrop, Escobar, Holzmüller, etc., excuse them from all guilt, according to the bull of Sixtus V, Pastoralis, in the year 4588, January 34. For therein, clerics are held to be obliged to wear the habit only those who receive a pension, or other ecclesiastical goods, exceeding the value of 60 gold coins from the Camera. But clerics who are beneficed, or who are established in the sacred duties, do indeed sin gravely if they lay aside the habit, as is commonly taught by Sanchez, Laym, Castrop, Bonaventure, Salmeron, etc. (whatever Cajetan, Escobar, and Gobat may say), since in the Council of Trent, Session 14, chapter 6, those who do not wear the habit are accused of temerity. However, it is very probable that all the aforementioned Doctors deny that they sin if they lay aside the habit for a short time, or for a just cause, such as to avoid some serious damage, with regard to guilt; but as for penalties...

[*Latin ed. p. 29*]

It pertains to the matter discussed in the council, which states: "If, after having been warned by their Bishop, they have not presented the clerical habit... they ought to be restrained by suspension from the orders and office, and from benefits and fruits... and also, if, after having been corrected once, they again commit this fault, they ought to be restrained even by deprivation of offices and benefits." From this, it is clear that these penalties are only matters of opinion. This is not hindered by the bull of Sixtus V, "Cum sacrosancta," issued on January 9, 1588, in which those who do not present the habit are declared, by law, deprived of their benefices; for this provision was made only for the city of Rome, and after they have not

Translated by churchlatin.ai, a product of Boyne Archives

obeyed the commands within a certain time (Lib. 6, n. 825).

50. The same is said regarding the habit by Sanchez, Laym, Escobedo, and others, concerning the tonsure, or crown. However, others, such as Castrop, Henriq, Renzius, and Tambini with Marchino, do not dare to condemn those who are in holy orders, or who have a benefice, for mortal sin if they do not wear the tonsure, unless they omit it out of contempt. Furthermore, La Croix rightly says that those who do not wear the tonsure are more easily excused than those who do not wear the habit; therefore, this author does not condemn a priest who does not wear the tonsure for six or eight weeks for mortal sin (l. c., n. 826).

51. Those with benefices, as well as those who are in holy orders and do not wear the habit, are deprived of their positions, by both the privilege of the forum and by canon law, if they do not resume it after the third warning, according to cap. Contingit. 45, of the sentences of excommunication (l. c., n. 827). However, those who are simply tonsured, or clerics who have only been promoted to the lower orders without a benefice, do not commit a grave sin, but they do not enjoy the privilege of the forum if they actually do not wear the habit, nor do they serve the Church, as is stated in the Council of Trent, session 23, canon 6. They do enjoy this privilege, however, if they resume the habit, unless they do so fraudulently, for example, if they have already been imprisoned for criminal offenses, or have already been summoned to the civil court for civil matters (l. cit., n. 827). Others, however, say this regarding the canon law privilege (lb.). Does one sin who receives the tonsure in order to obtain a benefice, without the intention of remaining in the clerical state? See our moral work (l. 5, n. 443), where it is said that the person sins, but probably only venially. It is worth noting what is stipulated in the year 1744 in the Concordat between the Holy See and Charles III, King of the kingdoms of Naples and Sicily, concerning the promotion of those to the ecclesiastical state. "No one shall henceforth be promoted to the first tonsure unless it is for the title of a benefice, or a perpetual chaplaincy, the revenues of which, after deducting expenses, amount to at least half of the tax established for the sacred patrimony in the diocese of the person being promoted. If a Bishop judges that someone is truly useful, or necessary to the Church, he may confer the first tonsure upon a young man, even if he has no benefice, but only in the case that he has a perpetual ecclesiastical pension with revenues amounting to..."

[*Latin ed. p. 30*]

Less than half of the tax established for the sacred patrimony in his Diocese, or the entire patrimony; which, to avoid any fraud or deceit, shall henceforth consist only of stable assets, or of fixed annual revenues; and shall be regulated according to the Synodal tax of each Diocese, provided that the patrimony shall not be for a sum less than twenty-four ducats, nor more than forty.

Translated by churchlatin.ai, a product of Boyne Archives

III. In addition to the requirement of a Benefice, perpetual Chapel, or perpetual ecclesiastical pension, or the entire patrimony, no one shall be admitted to the first Tonsure who, after having completed ten years of age, has not resided for at least three years in some Seminary or ecclesiastical boarding school: and where this cannot be done, he shall not have worn the clerical habit for three years with the permission of his Ordinary, and throughout the three years, or at least for the majority of the days on the feast days prescribed by each of the three years, he shall have served in some church in the manner prescribed by his Bishop; this service being counted towards the residence that he should have had in some Seminary or ecclesiastical boarding school, etc.

Finally, it is stated: Whoever is promoted to the first Tonsure, to the minor Orders, or to the sacred Orders contrary to the form prescribed in the present regulation, in addition to the penalties mentioned above, shall be perpetually suspended from the exercise of the Order already conferred upon him. And whoever has so ordained him, or has granted him the necessary dispensations for this purpose, if he is a Bishop, shall be suspended for one year from the conferral of Orders and from the exercise of the Pontificals; and if he is not a Bishop, but an inferior Prelate with the use of the Pontificals, he shall be suspended forever from the exercise of the same; and if he does not have the use of them, as well as any other person constituted in dignity, he shall be suspended forever from the exercise of the Office and of his Orders.

(1) ARTICLE II. Concerning the Minor Orders. How many are the minor orders?

52. Section I. Concerning the Ostiariate. The matter must be given by the one who ordains; and the Mass must be celebrated by him.

53. Section II. Concerning the Lectorate.

54. Section III. Concerning the Exorcistate.

55. Section IV. Concerning the Acolyte.

56. The four minor orders are: the Ostiariate, the Lectorate, the Exorcistate, and the Acolyte. These are called minor orders because of the lesser offices that are exercised by those who are ordained, concerning the Mass, or in the Church.

(1) See version l. 8. n. 330. Edit.

[*Latin ed. p. 31*]

Section I. Concerning the Office of Doorkeeper. 53. — The office of doorkeeper is an order by which the power is conferred to open, close, and guard the Church. The duty of the doorkeeper (besides those mentioned) is also to ring the bells, as well as to admit the worthy into the Church, and to expel the unworthy, namely, the unbelievers, heretics, and excommunicated. The remote matter of the office of doorkeeper is the keys of the

Translated by churchlatin.ai, a product of Boyne Archives

Church; the proximate matter is the delivery of the keys. The form is the words of the ordaining minister, and the saying: "Act as if you are about to give an account for these things which are unlocked by these keys." Thus, they hand over the keys who hold that the seven orders are sacraments. The keys must be those belonging to the Church, and they cannot be substituted by others; they must be touched by the one being ordained. Here, again, note what was stated in number 28, namely, that in the sacrament of orders, the matter must be entirely delivered by the ordaining minister himself, otherwise the sacrament is administered invalidly, and the Mass must be celebrated by the same minister (Book 6, number 744).

Section II. Concerning the Office of Reader. 54. — The office of reader is an order by which the power is conferred to read the Holy Scriptures in the Church. The remote matter is the book of prophecies and epistles; the proximate matter is the delivery of that book. The form is the words: "Receive, and be a herald of the word of God, etc." Therefore, the duty of the reader is to read the Holy Scriptures (understand this outside of the Mass, for in the Mass, the duty is of the subdeacon), and also to instruct the catechumens. If, in place of the book of epistles or the lectionary, the Bible, or the Breviary, were delivered, the ordination would be valid, and also licit; otherwise, if another book were delivered.

Section III. Concerning the Office of Exorcist. 55. — The office of exorcist is an order by which the power is given to expel demons from the possessed, lest they hinder them from receiving Communion. The remote matter is the book of exorcisms; the proximate matter is the delivery of that book. The form is: "Receive, and have the power to lay hands upon the possessed, etc." An exorcism is a certain formula instituted by the Church to drive away demons in the name of Jesus Christ. However, in order for an exorcist to solemnly perform an exorcism, the granting of jurisdiction, or a license from the Bishop, is also required. This is not required by common law, but by a particular precept of the Bishops, who prohibit performing exorcisms without their license (loc. cit. number 745). It has been solemnly declared that each faithful person can privately command demons not to harm, or to hinder the faithful from performing sacred actions (See book 4, number 493, Appendix on Exorcisms).

[*Latin ed. p. 32*]

Section IV. Concerning the Acolyte. 56. — The acolyte is an order by which the power is given to carry the cruets to the altar, and to light the candles and lamps upon it. The remote matter consists of empty cruets; the proximate matter is their delivery. The formula is: "Receive the cruets, etc.," and: "Receive the cruets, etc." Both matters are essential; but the cruets are of greater importance, because wine and water are more necessary for the Mass. These, however, are partial matters, constituting one complete matter. The character, however, is not imprinted in the candlestick, but in

Translated by churchlatin.ai, a product of Boyne Archives

the delivery of the cruets, because in this the principal power is delivered (Book 6, no. 745).

ARTICLE III. Concerning the Major Orders.

Section I. Concerning the Subdiaconate. What is the subdiaconate? Matter, form, and office. If without a stole, etc. 57. Requirements. 58. § I. Concerning the vow of chastity; and whether chastity is a vow? If anyone is ignorant, etc. If a minor, etc. He who is ordained by motion, etc. 59. § II. Concerning the canonical hours, condemned propositions. 60. Who are bound to the hours? I. Clerics in the sacred orders. II. Religious who have made solemn vows. III. Beneficiaries. 61. To whom must the fruits be restored? 62. If they have other obligations. 63. Are they excommunicated, etc.? And those who, without internal attention, etc. 64. Within the first six months. He who omits without fault. Is it one sin, etc.? 65. He who does not receive the fruits, etc. 66. If the benefice is held in tenancy. 67. Is it sinful to expend [the revenues] badly, etc.? A canon who does not chant. 68. What small matter, etc.? Is the Breviary sufficient? In doubt as to whether something is omitted. 69. What is required for the canonical hours to be said properly? I. According to the prescription. If you change the office. 70. If you continue with another. 71. If you realize you have erred. Concerning the litanies, and the office for the dead. 72. II. Vocal pronunciation. What is done in the choir. 73. III. Complete pronunciation. 74. Continuous pronunciation. V. The order of the hours. VI. Time. 75. Intention and attention. 76. Causes excusing from recitation. 76. § III. Concerning censures in general. 77 to 80. § IV. Concerning censures in particular. I. Concerning excommunication. 81 to 83. II. Concerning suspension. 84. III. Concerning deposition, etc. 85. IV. Concerning interdict. 86. V. Concerning irregularity. 87. Irregularities from fault. 88. Irregularities from defect. 89.

57. — The subdiaconate is an order by which the power is conferred, through which the ordained person can carry the chalice to the altar, minister to the deacon, and read the epistle at Mass. The remote matter consists of two things, namely, an empty chalice with a paten, and also a book of epistles. The proximate matter is the delivery of these things. The chalice, however, should probably be consecrated, as many Doctors hold; therefore, their opinion should be followed in practice (Book 6, no. 747). Thus, also, the delivery of the book of epistles is absolutely required.

[*Latin ed. p. 33*]

(l. c. n. 746. Dub. 4.). The words of the Bishop are: "See to whom the ministry is entrusted," etc. And another: "Receive the book of letters, and have the power to read them," etc. A partial form is used for two reasons. The office of the subdeacon (besides those mentioned at the altar) is to carry the cross and to wash the vessels. The subdeacon would sin if he ministered solemnly at Mass without a stole, unless necessity demanded it, as Father Suarès says (De Censur. disp. 42). But does a subdeacon gravely

Translated by churchlatin.ai, a product of Boyne Archives

sin if he ministers at a funeral without a stole? See the words above, n. 14. A cleric (or even a subdeacon) exercising the office of subdeacon, either with or without a stole, but not intending to perform that office, does not incur irregularity; because, as Bonacours says, he is then only exercising the office of a singer. Otherwise, if he intended to exercise the proper office of a subdeacon (see l. 7. n. 358).

58. In order for someone to be promoted to the subdiaconate, the following are required: 1. That he be ordained in the minor orders. 2. And that he have completed his 21st year. 3. A title of support (see above, the words n. 37 to 39). 4. That he know well what pertains to his office. 5. An examination, which should indeed be more rigorous for subdeacons, as Homobonus rightly points out (Pœnitentiarius in Ecclesia Bonon.), and especially concerning the obligations of the subdeacon, namely, to observe chastity, to recite the office, to have a title of support; and it is also necessary to examine subdeacons concerning censures and irregularities, of which we will briefly list the principal elements below, § I. Concerning the vow of chastity.

59. The SUBDEACON, by order of St. Gregory the Pope, in c. 2, dist. 28, is bound to make a vow of chastity. Therefore, the obligation of chastity for those ordained in the sacred orders is more truly based on the force of the vow annexed to the orders than on the precept of the Church, as can be sufficiently gathered from the chapter "Cum olim, de cler. conjug." However, if someone, when accepting the order, expressly refused to vow chastity, then that person would at least be bound by the precept of the Church to observe chastity. And this must be said even if he did not know this obligation, provided he truly wished to accept the order: and even if he unknowingly did not know it, as many doctors strongly teach (see l. 6. n. 809. Dub. 4. and 2.). But someone who is ordained before the use of reason is not bound to chastity. Is someone who is truly ordained before puberty bound to chastity? There are two opinions on this matter, both of which are probable (Ibid. n. 840.). Someone who is ordained through unjust external fear, and does not have the intention of accepting the order, is not bound to chastity, and even if he did have that intention, it is more probable that he would not be bound, because a vow made out of fear is probably invalid; otherwise, if the fear was justly caused, or if the ordained person knowingly ratified his ordination, namely, if he voluntarily exercised the order (l. c. n. 844).

[*Latin ed. p. 34*]

§ II. Concerning the Canonical Hours. 60. — In the first place, it is necessary here to mention several propositions condemned by Alexander VII, namely proposition 5, which stated: "The fruits [of a benefice] are not due before a judgment." Proposition 24: "He who holds a benefice, if he is free by study, satisfies the obligation by reciting through another." Proposition

Translated by churchlatin.ai, a product of Boyne Archives

33: "The restitution of fruits is satisfied by alms given beforehand." Proposition 34: "It suffices to say the Office of the Paschal Vigil in place of the Office of Palm Sunday." Proposition 35: "One Office can suffice for the obligation of two days." Also, Innocent XI condemned proposition 54: "He who cannot recite Matins is not obligated to recite the other hours." 64. — Question I. Who are obligated to recite the hours? Answer: I. All those who are ordained in the sacred orders, even if they are excommunicated, suspended, or degraded. He who is ordained to the subdiaconate is obligated on the day of his ordination to the hour corresponding to the hour in which he is ordained. II. Religious who have made solemn vows of both orders. This is derived from ancient custom, which obligates under a grave penalty, as the common opinion holds against some. It is not valid to say that it is not certain whether the custom of reciting the Office was introduced by Religious in order to impose a serious obligation upon themselves; for it is answered that since this custom has been constantly observed, and for a long time with great diligence by all Religious, it is a presumption in favor of its validity; and since the presumption is on the affirmative side, so too is the possession, according to the general rule (See book 5, number 142). However, no Religious, nor any member of a monastic order, is obligated under a grave penalty to recite the hours in choir, as Suar., Salm., and the Council commonly say, provided that the choir is not abolished, for which at least four members are required. Religious who have been expelled are not obligated to recite the Office; but those who have fled are obligated (Ibid., Dub. 4 and 2). III. Beneficiaries. Otherwise, all the fruits of the benefice must be restored, according to the Council of Lateran V, section 9, §. It is stated: "We decree that whoever holds a benefice, if after six months from receiving the benefice, he has not recited the Divine Office, he shall not receive the fruits in proportion to his recitation. And if such a person, after a warning, continues to omit it, he may also be deprived of the benefice." Then, Saint Pius V, in Constitution 486, which begins, "From the Most Holy Lateran Palace," decreed that he who omits Matins must restore half of the fruits corresponding to that day; he who omits the other hours, the other half; and he who omits only one of the minor hours, one-sixth (See book 4, number 663). And the same is to be said if someone, through several minor omissions, reaches a grave matter during the Office of the day (See above, number 668). But he who wishes to make up for the Office omitted today is in no way released from restitution (See above, number 667), and this restitution is due before any judgment, because the condition of reciting the Office is absolutely necessary to enjoy the fruits, since without it...

[*Latin ed. p. 35*]

62. The restitution, however, must be made either to the poor (it suffices that they be from any locality), or to the fabric of the Church, or to the

Translated by churchlatin.ai, a product of Boyne Archives

house of the benefice, or for the increase of the lands themselves. It can also be made for the restoration of another needy church, if the former does not require it, or if the fabric of another church would benefit the poor. It can also be applied to masses for the dead, and the beneficiary himself can still apply it to himself, if he is truly poor, provided he does not do so fraudulently, as Suarez, Castresano, Navarret, Tolosa, and Lessius state (Lib. 4, n. 672). If, however, someone gives alms after the omission, out of forgetfulness or, perhaps, ignorance of the obligation of restitution, it is probable that he can count them, as Sanchez, Suarez, Lugat, Salmeron, and Crocius state (Lib. 4, n. 700, Qu. I ad vers. Limitant.).

63. It is also probable, as Sotus, Lessius, Vasquez, Bonaventure, Sanchez, and Salmanticensis state, that if the beneficiary has other obligations which he has already fulfilled, he is not obliged to restore all the fruits. However, this is not the case (whatever others may say) for a simple beneficiary, who has no other obligation than to wear the habit (Lib. 4, n. 673, Qu. 40).

64. But is a tolerated excommunicate obliged to restore the fruits of the benefice before judgment, if he has fulfilled its obligations? Some affirm this, but it is more probable and common for others to deny it, as stated in *Homo Apostolicus*, Tractate 19, n. 19, at the end (1), because the guilty party is not obliged to undergo the penalty, which requires action, except after judgment; on the other hand, tolerated excommunicates validly administer the sacraments and perform their offices; as Layman, Tournhem, Castropalus, Salmeron, Bonacini, and many others state (Lib. 4, n. 670). Thus, it is also probable that one who recites [prayers] without internal attention is not obliged to make restitution, since the opinion is that it is sufficient to have the intention, and the external attention is not improbable, according to what is said in n. 75 (Lib. 4, n. 669, and l. 5, n. 477).

65. Furthermore, it should be noted that St. Pius declared in the aforementioned Constitution that, if beneficiaries neglect their office within the first six months, although they are not obliged to make restitution, they are nevertheless not excused from mortal sin (V. 4, n. 663). Therefore, it must be said that beneficiaries, even if they wished to restore the fruits at that time, gravely sin by neglecting their office, since they are bound to the service of the Church at any time for the sake of religion (l. 5, n. 145, Qu. II). Therefore, he who neglects his office within six months (as stated) gravely sins, but is not obliged to make restitution, as Lessius, Vasquez, Concinius, and the more common opinion teach (contrary to a few). The reason is that, according to the commonly cited passage: "It should be noted that he who was excommunicated after receiving [the benefice] is not obliged to restore the fruits of the benefice before the judgment of the judge, whenever he himself or someone else has fulfilled the obligations: thus, it is probable... from the general reason that, because they require some action, they always

Translated by churchlatin.ai, a product of Boyne Archives

require at least a declaratory judgment."

[*Latin ed. p. 36*]

The obligation to restore the fruits of a benefice does not arise from natural law; for the fruits are not granted as a reward for recitation, but for the support of the beneficiary, albeit with the burden of the office, imposed by the Church (as we have said) for the sake of religion; and therefore, before the Council of Lateran, restitution was not commanded. However, the Council commands restitution only for those who neglect their duties after six months (Lib. 4, n. 665 and 666). For the same reason, he who neglects the recitation of the office without fault is not bound to make restitution; because, although (as stated in n. 64 at the end), restitution must be made before any judgment, nevertheless, since it is imposed as a penalty, it absolutely requires fault, as Lessius, Sanchius, Concinius, and others commonly say, contrary to a few (in the cited work, n. 665). Similarly, for the same reason, a subdeacon holding a benefice, if he neglects the office, commits only one sin, since he is bound to it for one reason, namely, religion (Lib. 5, n. 445, Qu. I.). 66. — Question 4: Is the beneficiary bound to the office if he does not receive the fruits? He is not bound, if he has not negligently failed to demand them. Except, if he has justly been deprived of the fruits as a penalty for some crime; or if he has a certain hope of receiving them in the following years (Lib. 4, n. 664). What if the matter concerns a lawsuit over the benefice? Answer: If the beneficiary has not yet received possession of the benefice, he is not bound to the office, unless something prevents him from immediately obtaining possession. But if he has already received it, he is bound in the case where he has a certain hope of winning the lawsuit, otherwise if it is in doubt (ibid., n. 664, v. "What if"). 67. — Question 2: Is the holder of a precarious benefice bound to the office? Some affirm; but others, including Lessius, Sanchius, Malderus, Arragius, Rodriguez, Molfes, Pellizzarius, and others, deny it; because a precarious benefice, according to the canon "Is cui, ae præbend." in 6, is not considered a true benefice. They say that a benefice is precarious, which does not amount to one-third of the sustenance (Lib. 4, n. 674). 68. — Question 3: Is the beneficiary bound to restitution if he misuses the fruits of the benefice? Many grave Doctors probably deny it, including St. Antoninus, Lessius, Cabassus, Sanchius, Salmeron, and others, with St. Thomas (2-2, q. 285, art. 7), who says that prebends are held as patrimonial goods. However, it is more probable, as Laym, Bonacorsi, Navarrus, Petrocorus, Concinius, etc., affirm, because beneficiaries are bound by justice to provide superfluous fruits to the poor, or to pious works; for at least the Church does not grant the dominion of the fruits, except to the extent that they are superfluous, to be given to the poor (Lib. 4, n. 492). It must be carefully noted here that the Supreme Pontiff, Benedict XIV, in a Brief addressed to Cardinal Delphin, Patriarch of Aquileia, issued on January 19, 1748, declared that canons who

Translated by churchlatin.ai, a product of Boyne Archives

do not participate in the choir, or who do not sing there, not only lose the daily distributions, but are also bound to restore the fruits of their prebends (Lib. 4, n. 675, Dub. 3).

[*Latin ed. p. 37*]

69. — Question II. What is the extent of the obligation of the Divine Office? It is gravely sinful for a person to omit a notable part of the Divine Office. However, an omission of a small part is considered less serious than an omission of a smaller hour (Book 5, no. 147). But he who omits all seven hours, as is more accurately stated by Lessius, Sanchez, the Council of Trent, and the common opinion, commits one sin, because all the hours together constitute the complete Divine Office (Book 5, no. 148). He who would cast the Divine Office into the sea would commit as many sins as there are days he foresees that he will omit; because each omission of the Divine Office, pertaining to a particular day, is a distinct transgression, and in foreseeing these omissions, he would sin in the very cause (Ibid. no. 149). In case of doubt, whether something has been omitted from the Divine Office or not, should it be repeated? It should be repeated in a negative doubt, that is, if you have no prudent reason to believe otherwise; otherwise, if the doubt is positive, namely, if you reasonably believe that you have said it; thus, according to the common opinion of Navar, Sanchez, Lugo, Tourn, Castr, Salm, Ronc (See Book 5, no. 150) (4).

70. — Question III. What is required for the hours to be recited properly? It is required that they be recited according to the prescriptions of the Roman Breviary. Therefore, I consider the opinion of those who say that one does not commit a mortal sin by changing the Divine Office to something noticeably shorter to be improbable (loc. cit. no. 160). But whether changing it to something equal, or almost equal, is a mortal sin, there is a double opinion on this matter. However, it seems more reasonable to say, with Sporer, Roncag, Viva, Laym, Elbel, etc., that it is a mortal sin if the change is frequent; venial if it is rare, say three or four times a year; and no sin at all if it is done at one time for a reason, namely, for travel, study, etc. The reason is that, although the Divine Office is to be recited according to the individual form of the Breviary, as Saint Pius V prescribes in the bull "A nobis," described in the Breviary, saying: "No one shall be absolved unless it is done in this form alone"; yet it is probable that the Pope, in prescribing this form, considered more the substantial form, which is the quantity of the Divine Office, than the accidental form, namely, the quality of it; and therefore, the change does not seem to exceed a venial sin. However, to do this frequently would be a mortal sin, because (as Laym rightly says) it would be a perversion of the order; and it would be a grave sin if it were frequent (Book 5, no. 164, see Question III).

74. — With these things established, it is probable that:

I. If you continue elsewhere, you can recite the Divine Office of that place,

Translated by churchlatin.ai, a product of Boyne Archives

unless you are a religious, in which case you are bound to recite the Divine Office of your order; thus, Laym, Holzm, Bonac, Castrop, and others.

II. Chaplains, and those who serve Cardinals and Bishops, can conform to their Divine Office: Holzm, with the common opinion, and the decree of the Sacred Congregation of Rites, and Clement, "Dignum," on the celebration of Mass. And the same is said of the chaplains of nuns, Holzm, Gob, Stoz, etc., and of those who perform spiritual exercises among religious, Laym, and Gob.

III. (1) Compare the note at Book 1, no. 29, which is placed there.

[*Latin ed. p. 38*]

What one can recite of the office of a companion; for the association itself excuses, provided that the office is not notably shortened. Viva, Ronc., Henriq., Quintanad., and others (Book 5, chapter 161, verse). 72. — If someone realizes that they have erred after having proceeded considerably in an improper office, they can either continue or recite the remainder of their own, but it will be better to recite their own; unless they wish to recite the office of that Saint on another day, without impediment; which is admitted by several Doctors with good reason (cited work, chapter 161, question 5). By established custom, there is a serious obligation to recite the Litany of Saint Mark, the Rogation hymns, and the office for the dead, even in private (Book 5, chapter 161, questions 1 and 2). 73. — Requirement II. Vocal Pronunciation. Is it necessary to hear oneself while reciting? Some affirm, while others, not improbably, deny, as the most learned Sylvius, Tourn., Laym., Azor, Spor., Salm., Trull., Rod., and others state, because in the recitation of the office, hearing oneself is not required, but pronunciation is; and it is not necessary to raise the voice, but it suffices to form some external sound, which is always present when words are uttered (Book 5, chapter 163). One who recites humbly in the choir fulfills the requirement well (ibid., see). But a canon, who is obligated to sing, must do so, according to what was said in chapter 68, at the end. However, one who recites in the choir fulfills the requirement if they hear the other part indistinctly, or even just one part of it. What if one does not sufficiently perceive the other part due to the fault of the choir or the companion? Some say that one is obligated to repeat what was not heard. Others deny this, because by the very association, and by your participation in it, you are already morally united; thus, not improbably, Sa, Major, Ronc., Elbel, Salm., Pellix., Trull., and others state (Book 5, chapter 163, question 2). A deaf person does not fulfill the requirement, whatever others may say. However, this is different for a partially deaf person, if they can hear at least indistinctly (cited work, chapter 163, question 3). 74. — III. Complete Pronunciation, that is, without mutilation by which the meaning of the words is notably altered. However, the office is valid if at least the meaning of the words is preserved (cited work, chapter 166). IV. Continuous Pronunciation, that is, without

Translated by churchlatin.ai, a product of Boyne Archives

interruption at any hour, but an interruption that incurs a venial sin, unless some cause excuses it (chapter 166). However, Matins can be separated from Lauds even without a cause, and likewise the three Nocturns, at least over three hours (cited work, chapter 167). However, if an interruption occurs, and it is culpable, it is more probable that one is obligated to repeat the hour, since each verse of the Psalms has its own meaning (cited work, chapter 168). V. Order of the Hours, that is, that it not be inverted. However, the inversion will be only venial, even if it is done frequently; and even in the choir, as probability suggests, Cajet., Gavant., Laym., Sanch., Bonac., etc. (cited work, chapters 170 and 171). However, it is more probable and common that celebrating Mass before Matins is only venially sinful, according to Less., Castrop., Conc., Tourn., Sot., Tolet., Bellarm., Croix, Salm., and many others (see Book 6, chapter 347).

[*Latin ed. p. 39*]

VI. The Prescribed Time. The Office of Matins begins from the hour of Vespers of the preceding day until noon of the following day (l. 5, n. 474). And this, it is probable, also applies to the Office for the Dead, except when recited outside of the choir (ibid., Qu. II). Furthermore, there is a decree from the Sacred Congregation of Rites, found in Ferraris' Bibliotheca, concerning the word "Litany." However, this does not apply to the Litany itself (ibid., Qu. III). Can one fulfill the obligation by reciting Matins at the second hour after noon? Some affirm, as Salmeron, Sanchez, Trull, etc., that this is permitted today by custom. But it is more correct to deny this, according to Holzapfel, Croxat, and the Council, because at that time, the hour of Vespers has not yet begun, which is the midpoint between noon and sunset; for the ecclesiastical day does not begin until the hour of Vespers. Although it is said that a large majority of the faithful have already introduced the custom of reciting Matins at the second hour after noon, according to what has been said about custom (Lib. 4, n. 407 and following), this would need to be proven; but as yet, it has not been proven, and therefore the contrary law holds (l. 5, n. 474, Qu. I); and the hours begin from midnight to noon: Vespers and Compline from noon to midnight (lib. 5, n. 473, see "Tempus"). 75. — VII. Intention and Attention. A virtual intention (namely, to recite) is required; this is sufficient if, from the beginning, one takes up the Breviary with the intention of reciting. However, most commonly, and it is more probable according to Suarez, Castrop, Lessius, Tournhem, Pontius, Vasquez, and Croxat, along with others, that an intention to fulfill the obligation is not required; indeed, the one who recites fulfills the obligation, even if he positively intends not to fulfill it, because he fulfills it, and he cannot not fulfill it, since fulfillment does not depend on his own will, but on the will of the law, or of the Church (l.c., n. 476). Furthermore, external attention is required, namely, that no action incompatible with internal attention be performed. But is internal attention

Translated by churchlatin.ai, a product of Boyne Archives

also required? Some affirm that internal attention is required, whether it be directed towards God, towards the meaning, or at least towards the words, namely, that they be pronounced correctly; otherwise, as they say, it would not be prayer. Others, however, deny this, saying that true prayer is that which is made with the intention of praying, and with external attention: thus, Lugat, Paludanus, Coninck, Angelus, Sylvaticus, Croxat, and many others, along with St. Antoninus. The words of St. Antoninus are: "But if the distraction is voluntary, and only according to the interior act, although it may be rash and grave, it is not mortal, unless it is done out of contempt, because the Church does not judge of merely interior acts; therefore, a minister of the Church, even if he thinks of something else while saying a prayer, does not seem to transgress the precept of that act." St. Antoninus, 3rd part, title 43, chapter 4, §. The words of St. Thomas are: "When someone, while praying, distracts his mind to other things; then he is not without sin; especially if he spontaneously engages in other things that distract the mind, such as external works, and if the mind is drawn away from them, even a mortal sin will occur." In 4th Sentences, dist. 15, q. 4, art. 2, solut. 4, ad. 2. Therefore, according to St. Thomas, internal distraction is not...

[*Latin ed. p. 40*]

It is without fault, that is to say, venial; but external distractions are not without a mortal fault; and thus, the same St. Antoninus understands it, saying: "Therefore, St. Thomas says there that, in prayer, if one occupies oneself in other things that distract the mind, such as external works, even a mortal fault will result." The first reason for this opinion is that, if internal attention were the essence of prayer, the minister administering Extreme Unction without internal attention would administer it invalidly, since the form of this sacrament is supplication: "May God have mercy on you," etc., as in the words of St. James: "Pray for him, anointing him with oil," chapter 5, verse 14. But this cannot be said, since it is clear from Florence that only three things are required for the validity of the sacrament, namely, the matter, the form, or the words pronounced by the minister, and the intention of the minister to do what the Church does. The second reason is that, if internal attention were the essence of prayer, even those who persevered with involuntary distractions would not fulfill their duty. For these reasons, which are not to be disregarded, it seems that this second opinion cannot be considered improbable. Furthermore, all agree that, in order to say that someone has not fulfilled their duty, it is necessary not only to be aware of the distraction, but also to be fully aware of being distracted from the duty itself; otherwise, even if one distracts oneself voluntarily, one is not voluntarily distracting oneself from the recitation. However, a scrupulous person is never obliged to repeat prayers due to distractions. Thus, Suarez, Soto, Navar, Cajetan, and others commonly hold. See book 5, number 477, and also number 76.

Translated by churchlatin.ai, a product of Boyne Archives

Question IV: What are the causes that excuse one from reciting the Divine Office?

Answer:

I. A serious infirmity, or a grave inconvenience. However, one who is suffering from tertian or quartan fever is obliged to recite, and even to anticipate the hours, if it is convenient. However, one is not obliged to anticipate Matins on the preceding day, since no one is obliged to use their privilege. If one can conveniently do so, one is obliged to recite the Divine Office with a companion. If there is doubt as to whether reciting the Divine Office will cause you serious harm, you are not obliged; otherwise, if there is doubt as to whether you will be excused, unless you have a probable reason, but it is better to refer the matter to a doctor, or a superior, or at least a prudent person. However, when illness is pressing, if you cannot recite the entire Office, you are not obliged to do so, because otherwise a great scrupulous anxiety would remain for you; whether you can continue, or whether you should stop, in reciting the remaining hours; thus, very probably, Suarez, Navar, Sanch, Lug, Carden, Rono, etc. (Book 5, number 454).

II. A just impediment, such as if one is occupied in a work of charity that cannot be omitted without causing scandal, or a notable detriment to oneself or to others, for example, if one could not postpone a sermon without causing offense, or confessions of others in a large gathering (loc. cit. number 456).

III. Blindness (loc. cit. number 187).

IV. Lack of a Breviary. However, one is obliged to say what one remembers, provided that what one remembers amounts to at least a small hour. And if one is lacking the Divine Office proper, one is obliged to recite from the common texts. Also, if one can conveniently have a companion, one is obliged to do so. Whether a cleric is also obliged to seek out a companion.

[*Latin ed. p. 41*]

If one is unable to fulfill certain obligations, is a dispensation permissible? There are two opinions on this matter, but the affirmative opinion is more probable and safer; indeed, it should be followed entirely if one desires to obtain fruit from it; for with only the probability of the opposing opinion, one cannot begin to enjoy the fruits of possession, as Lessius, Soto, Salm, the Council of Trent, and others commonly state (Lib. 5, no. 458, and Lib. 4, no. 761, Qu. II).

V. A dispensation from the Pope is excused; and also from one's own Bishop, for a short time, if there is a reason; for example, if one doubts about moral impossibility (Lib. 5, no. 159).

§ III. Of censures in general. (In this paragraph, only definitions, divisions, and principles are given, leaving aside questions and other informa-

Translated by churchlatin.ai, a product of Boyne Archives

tion which are found in Moral Theology, where we have discussed censures.)

77. — QUESTION I. What and how many kinds of censures are there? A censure is a spiritual and medicinal penalty, by which, through the ecclesiastical authority, the use of certain spiritual goods is taken away from the delinquent and the contumacious.

78. — Censures are divided into: 1. Excommunication, suspension, and interdict. 2. Into that which is *de jure*, namely, that which is imposed by general and permanent law, and that which is imposed by a person, namely, that which is imposed by a Prelate through a particular sentence. 3. Into that which is said to be of *latae sententiae*, which is incurred by the very fact; and that which is *ferendae sententiae*, which is not incurred until after the sentence, as are the censures expressed in the future tense; see Lib. 7, no. 6, 7, 8.

79. — QUESTION II. Who can impose censures? All superiors in the Church who have jurisdiction in the external or ordinary forum, such as the Pope, councils, bishops, and their vicars, as well as capitular vicars, chapters of religious orders, and their prelates; or by delegation, such as those to whom the power to impose censures has been delegated by one who has ordinary authority; see Lib. 7, no. 9, and following.

QUESTION III. What is required in order for someone to be subject to censures? It is required that: 1. The person be a human being. 2. The person be baptized. 3. The person be of sound mind. 4. The person be a determinate person. 5. The person be subject to the Church's authority. As for foreigners, see there, no. 47.

QUESTION IV. What is required to incur a grave censure, such as a major excommunication or a total suspension, or for a long time? It is required that: 1. There be a grave sin, and that the matter itself be grave, or at least very conducive to the intended end. But in doubt, the superior's command certainly binds. 2. There be an external act. 3. There be a completed act. 4. There be contumacy, so that the delinquent knows the crime, and does not...

[*Latin ed. p. 42*]

It is not only forbidden by divine law, but also by ecclesiastical law. See the implications that are deduced from these, cited in the book, Question V. Who can absolve from censures? Only he who imposed the censure, or his superior, or his successor, or a delegate, can absolve from a censure imposed by a particular sentence of an ordinary. But any confessor can absolve from those censures that are imposed by law, or by a person by a general sentence (provided that it is not reserved).

80. — It should be noted, however, that Bishops, according to canon 6 of session 24 of the Council of Trent, can grant dispensations in all irregu-

Translated by churchlatin.ai, a product of Boyne Archives

larities and suspensions resulting from hidden sins; except for those that arise from voluntary homicide, and those that are subject to the civil forum. Furthermore, they can absolve from any hidden cases, even those reserved to the Apostolic See, those who are subject to them in their diocese, either by themselves or through a specially appointed Vicar. See Treatise on Privileges, number 29. This faculty can also be delegated by the Bishop to others, in general; see there, number 34. It should be noted that the aforementioned faculty is truly removed from Bishops with respect to heresy, and other reserved cases, as stated in the Bulla Cænæ, see there, number 38. However, if someone is prevented from going to Rome, he can rightly be absolved by a Bishop: absolutely, if the impediment is permanent; but under oath to go to Rome, if it is temporary, except always for women and children; see there, numbers 39 to 45.

Furthermore, it should be noted that the papal excommunication for those who violate ecclesiastical immunity, from which Clement VIII also took away the faculty of Regulars to absolve, as stated in the aforementioned Treatise, number 99, only applies to those who violently and unjustly drive away those who flee to the Church for refuge; for Clement in his Decree did not forbid Regulars to absolve from any excommunication for violating ecclesiastical immunity, except for that which was declared by Gregory XIV, who in his Bulla declared that those who violate ecclesiastical immunity, by driving away someone who flees to the Church, incur the same papal excommunication that was previously pronounced against those who violate ecclesiastical freedom by Paul II in Extravagantes, Etsi Dominici, on penance and remission, and by Sixtus IV in another Extravagantes, Etsi Dominici, in the same title. These Popes reserved this excommunication to themselves, so that it was not included in the general concession to absolve from pontifical censures. Nor does the text in "Cum pro tua," on sentences of excommunication, contradict this, where, when someone in the cloister of a certain monastery struck a cleric, it is said in the text that he incurred a double excommunication, one because he struck the cleric, and the other because he violated the immunity. For, as the Doctors commonly note with Fagnani in the cited chapter, number 40, that excommunication for the violation of immunity was not imposed by law, but by the Bishop himself; thus, the Abbot, Cardinal Ancharan, with Innocent, who with the word "Duplicem," thus annotated: "Duplicem," that is, because of the injection.

[*Latin ed. p. 43*]

By the very law of hands, and the violation of the enclosure committed by the Bishop himself. Hence, Fagnan, along with others, in chapter "Concerning ecclesiastical immunities," number 402, asserts that there is no excommunication *latae sententiæ* reserved by the Pope against those who strike or steal in the Church.

Translated by churchlatin.ai, a product of Boyne Archives

§ IV. Concerning censures in particular. And I. Concerning excommunication. 81. — EXCOMMUNICATION is a censure by which a man is deprived of communion with the Church. It is twofold: Minor, which deprives only of the passive use, or the reception of the sacraments; see law 7, number 433. And Major, which deprives also of the active [use], and of all communion, as we shall say shortly, number 83. 82. — One can be excommunicated either as tolerated or as avoided. A tolerated person is one whom the faithful are not bound to avoid, according to the Constitution *Ad evitanda* of the Council of Constance, nor even in divine matters, as some Doctors say; see there, number 435. And the same is said of those who are suspended and tolerated. An avoided person is one whom the faithful are bound to avoid. And one can be avoided in two ways, either because he is explicitly excommunicated and denounced, or because he is a public assailant of a cleric or a monk; but in such a case, the fact must not be concealed by any evasion, nor excused by any pretext, as is said in canon "If anyone, by persuasion..." question 4, number 17. See cited book, number 144. But this excommunication, if the assault is enormous, or grave, and public, is only absolved by the Pope; unless the assailant is a woman, or a minor; for these can be absolved by the Bishop, who can also absolve from a light, but still public, assault; and also from a grave or enormous assault, if it is hidden; see law 7, number 279. 83. — Therefore, an excommunicated person, even if tolerated, is deprived of: 1. The suffrages of the Church. 2. Benefits, so that the granting of a benefit to him is altogether null. 3. The reception and administration of the sacraments, and of all divine offices. 4. All spiritual and civil communion with the faithful. On the other hand, the faithful sin if they communicate with an avoided excommunicated person, either in divine matters, namely, if they attend Mass with him, or recite the office; or in civil matters, namely, if they provide for him, live with him, keep him company, greet him, or write to him; all of which are included in that verse: "Os, Orare, Vale, Communio, Mensa negatur." But those who communicate in three cases sin gravely: 1. If they communicate in divine matters. 2. If they do so in the sight of the Church. 3. If they do so in a criminal, that is, if they communicate with him in the very crime (such as concubinage) for which he is excommunicated; and in this third case, they also incur a greater excommunication; in the other cases, however (speaking regularly), they sin only venially, and are bound only by a minor excommunication.

[*Latin ed. p. 44*]

Communication of a lesser degree; necessity, utility, the law of marriage, subjection, and ignorance excuse from this, as is contained in the following verse: Useful, Lawful, Humble, Ignorant, Necessary. See concerning these matters, book 7, paragraph 488, and following. Secondly, speaking regularly, it is to be understood that any civil communication, if undertaken

Translated by churchlatin.ai, a product of Boyne Archives

with the intention of avoiding sin, is only venial; however, there is reason to believe that it is mortal if it is frequent, and undertaken with the intention of frequently communicating with that person.

Secondly, concerning suspension. 84. — Suspension is a censure by which a cleric is prohibited from exercising certain ecclesiastical functions. Suspension is divided in many ways. 1. It is either imposed by law, or by a human authority. 2. It is either for a definite period, after which it expires, or it is absolute, and remains until it is removed by absolution. 3. It is either imposed because of an office, namely, of the order, or of the jurisdiction; or because of a benefice; and it can be imposed for both, both because of the office, and because of the benefice. See the questions concerning this censure in Moral Theology, book 7, paragraph 312, and following.

Thirdly, concerning deposition. 85. — Deposition is that which simply deprives one of all use of offices and benefices. Deposition, however, is either real, which is also called degradation; or it is verbal, in which case it is absolutely called deposition. The former is done with solemnity, and deprives one of both the privileges of the forum, and of canon law, without hope of restitution. The latter, however, is done without solemnity, and with both privileges retained; see book 7, paragraph 323.

Fourthly, concerning interdict. 86. — Interdict is an ecclesiastical censure which prohibits the use of both divine offices, and of other sacraments, and also the use of ecclesiastical burial, to the extent that it is so. It is said to be so, because excommunication also deprives one of the same use, but to the extent that it is a communication with the faithful; while suspension does not properly impede the use, but the exercise of ecclesiastical power. Interdict is either local, which immediately affects a place; or it is personal, which immediately affects persons. It can also be mixed, which immediately affects both a place and its inhabitants. See book 7, paragraph 328, and following.

There is also cessation from divine services, which is defined as: A prohibition made to a cleric, so that he abstain from divine offices, and from ecclesiastical burial. This is not a censure, nor is it imposed as a medicine, but only as a sign of sorrow, for some most grievous injury inflicted upon God or the Church. It can be imposed by those who impose censures.

[*Latin ed. p. 45*]

V. Concerning Irregularity. 87. – IRREGULARITY is a canonical impediment, hindering the reception of Holy Orders and the exercise of those who have received them. This impediment is not a censure; for the more common and probable opinion is as follows: see book 7, number 341. It should be noted here 1. that irregularity is not incurred unless it is expressly stated in the law, from chapter "He who..." from the decrees concerning excommunication. Therefore, in a doubt, it is not incurred, unless the doubt concerns an act of homicide; for in a doubt as to whether someone has

Translated by churchlatin.ai, a product of Boyne Archives

committed such an act or not, they are considered irregular. Ibid., number 347. It should be noted 2. that to incur irregularity through a fault, at least knowledge of the ecclesiastical law prohibiting the act is required. Whether knowledge of the penalty is also required? It is probable that Navarrus, Sylvaticus, Sanchez, Castrop, Roncaglia, and others affirm this. See ibid., number 351. Irregularity is removed 1. by the cessation of the cause, if it is due to a defect of age, ignorance, or poverty, or infamy, which is also removed by a change of place, or by amendment; otherwise, if it is of law, that is, by a sentence, a dispensation is required. 2. By Baptism (if it is due to a fault). 3. By dispensation. 4. By religious profession; see ibid., number 352. 88. – Irregularity is either due to a fault, or due to a defect. Irregularities due to a fault are six: I. Due to a serious and deliberate repetition of Baptism, and in that case, both the baptizer and the baptized become irregular; see book 7, number 356. II. Due to the violation of a censure, namely, if someone knowingly and deliberately exercises an act of the order while under a censure; see above, number 357. III. Due to a sin, by which a cleric knowingly and deliberately exercises a sacred act of the order, which he does not legitimately possess; see above, number 359. IV. Due to certain clandestine receptions of orders, that is, 1. if someone receives the order without the approval of the Bishop, from chapter "He who..." etc. If, without the dispensation of the same Bishop, he receives several orders on the same day, one of which is the priesthood, from canons 2 and 3 of the same title 3. He who, after contracting marriage before consummation, receives Holy Orders, with the wife's consent, from the ancient Extravagant on vows, see cited book, number 361. We have said "due to certain," because other clandestine receptions of orders enumerated above, number 46, only incur suspension (which indeed is reserved to the Pope, if it is public), but not irregularity. And it is probable that the same should be said of one who, while under a censure, receives Holy Orders, namely, that he does not become irregular unless, in the very ordination, he willingly exercises the order, according to what will be said here, number 91. V. Due to notorious crimes, if they are public and notorious by fact or by law, and have attached to them a legal infamy, such as adultery, incest, sodomy, perjury in court, heresy, simony, robbery, pimping, usury, abduction of women, and the like. This irregularity, if it is due to a fact, is removed by amendment; if it is due to the law, by dispensation (see book 7, number 364). VI. Due to unjust mutilation, and even more so due to voluntary homicide, from chapter "If someone..."

[*Latin ed. p. 46*]

4. Concerning homicide. And from Clementine, book 1, chapter [illegible], paragraph. This irregularity extends also to those who command, advise, or otherwise participate, as stated in chapter [illegible], section 58. See other passages on this point, book [illegible], number 365, and

Translated by churchlatin.ai, a product of Boyne Archives

following. 89. – Irregularities arising from defects are eight: I. From a defect of the soul, from which four are irregular: the insane, the frenetic, and the epileptic. 2. The uneducated, as stated here, number 35. 3. Neophytes, or those recently converted. II. From a defect of the body, namely, if someone has a vice that either hinders the proper exercise of the order, or brings about a noticeable indecency. From the first category, the blind, the deaf, the mute, those lacking a hand, or all the fingers, or the thumb, or the index finger, are irregular. From the second category, the lepers, those lacking a nose, and others who are monstrous, such as those with a very large hump, are irregular; see book 7, number 403. III. From a defect of birth, from which all illegitimate children are irregular; those who are legitimized, either by subsequent marriage, or by religious profession, or by dispensation from the Pope: see ibid., number 421, and following. IV. From a defect of age, concerning which see what is stated here, number 43, and 44. V. From a defect of the Sacrament, namely, from bigamy: it is called a defect of the Sacrament because someone who has two wives cannot properly signify the union of Christ with the Church, who was his only bride. Bigamy is threefold, which prevents one from receiving orders: 1. True bigamy, when someone has truly contracted marriage with two women successively. 2. Interpretative bigamy; when someone is considered by legal fiction to have had two wives, see book 7, number 444. 3. Similar bigamy, which occurs when someone contracts marriage (although invalid) with a harlot, or with a virgin, after having made a solemn vow in religion, or after having received the minor orders; see ibid., number 448. VI. From a defect of infamy, concerning which see what is stated here, number 89, to V; for irregularities arising from defects and from sin, due to infamy, fall under the same category. VII. From a defect of liberty; therefore, the following are irregular: 1. All slaves, properly so called. 2. Married persons. 3. Those bound to the curia by oath or salary. 4. Soldiers, at least as long as they are bound by oath; see book [illegible], number 456. VIII. From a defect of lenity, namely, from a lawful mutilation of a member, which is done by surgeons with an incision, or by cauterization; or from a lawful homicide in a just offensive war; or in a judgment by active, effective, proximate, and ordered cooperation leading to death; see ibid., number 464.

Section II. Concerning the diaconate. What is the diaconate? And what is its matter and form? 90. The offices of deacons, censure, and penalties, etc. Concerning the penalties imposed by the Bishop, whether they must be fulfilled under pain of [illegible]. 91. 90. – THE DIACONATE is an order by which the power is conferred to immediately assist the priest at Mass, by offering him the paten with the host.

[*Latin ed. p. 47*]

The chalice with wine: also, the reading of the Gospel and preaching. The opinion which appears to us more probable (according to the words

Translated by churchlatin.ai, a product of Boyne Archives

in this place, number 28) holds that the sole matter of the diaconate is the imposition of the Bishop's hands, and the sole form is the Bishop's words: "Receive the Holy Spirit for strength," etc. But since the other opinion is also probable, it should be held that the presentation of the instruments is also an integral, partial matter; and therefore, it should be said that the matter of the diaconate is twofold, namely, the imposition of the Bishop's right hand, with the form: "Receive the Holy Spirit," etc., and the delivery of the book of Gospels with the form: "Receive the power to read the Gospel," etc. Both are partial matters and forms constituting one order. The delivery of the Bible would also be valid, since the Gospels are already contained therein. But you will say: from the beginning, how were deacons ordained, when the book of Gospels was lacking? The answer is that Christ the Lord left to the Church the power to determine in their specific nature the matters and forms of the sacraments, which He Himself did not determine. And according to this opinion, the character is imprinted in the very act of delivering the book, as St. Thomas says, or in the conferring of the second form (Book 6, number 748). Thus, according to this opinion, but see the words in Moral Theology, Book 6, number 736 and following, number 94.

The offices of a deacon (besides those mentioned) are: 4. To solemnly baptize; but only with the permission of the parish priest, and in a grave necessity: otherwise, a deacon who solemnly baptizes without a commission, even in a necessity, incurs an irregularity. 2. To minister the Eucharist, but likewise, it is not permitted unless it is done with the commission of the parish priest, and in a grave necessity, namely, if the people are about to receive Communion, and there is no priest present (Book 6, number 237, Question 1); otherwise, if he ministers without a commission, he also becomes irregular (number 234). 3. To carry the pyx or the ostensorium with the Eucharist. 4. To preach and to assist in washing the corporal in the absence of a subdeacon. A deacon incurs an irregularity if he is bound by a censure and ministers, according to the words in number 88, section II. But he who, having been subject to censures, accepts the diaconate, does not become irregular, unless he exercises the order received in the Mass of ordination (see Book 6, number 799, Doubt 3, "Utrum").

It is asked whether the penance imposed on deacons and subdeacons by the Bishop of reciting the Nocturn of the current day, and on priests of celebrating three Masses, is obligatory? Some affirm; but it is more probable that others (such as Soto, Valencia, Castr., Pelliz., Gobat, etc.) say that they are to be recited only out of decency, and not out of obligation, at least not a grave one, since it is not certain (Book 6, number 829).

Section III. On the Priesthood.

§ I. What is the priesthood? And what is its matter and form.

99. and 99. On defects to be remedied.

94.

Translated by churchlatin.ai, a product of Boyne Archives

§ II. On the Sacrifice of the Mass.

What is the sacrifice, and in how many ways?

95.

What is the Mass?

96.

Question 1. What is required for the Mass? Of the matter of the Mass, and here of the bread.

97.

Of the wine.

98.

Of the presence of the matter.

99.

Of the form.

100.

Question II. How is Christ present?

[*Latin ed. p. 48*]

Sense? 101. Question III. Effect of the Mass. 192. For whom it can be offered? 192. Question VI. What is the extent of its fruitfulness? 105. Is the Mass said in the final hour? 105. Question V. Concerning the stipend. 106. Delaying the Mass. 107. Retention of a portion for alms. 108. Concerning the parish priest, etc. 109. Application [of the fruits of the Mass]. 110. Question VI. How often should it be celebrated? 111. Question VII. Are all rubrics obligatory? 111. Question VIII. When may the Mass be said? Whether before Matins? And on the Lord's Day, and the holy Sabbath? 113. Question IX. Where should the Mass be said? 116. Concerning the pollution of the Church. 116. Question X. What is required for celebrating? I. Altar. 116. II. Vessels for the chalice. 117. III. Vestments. 118. IV. Corporal. 118. V. Cope. 120. VI. Missal. 121. VII. Cross with crucifix. 122. Concerning newly ordained priests, etc. 123. Concerning three Masses assigned, etc. 124. The Mass should be said briefly, etc. 125. (Concerning those who speak excessively about matters of judgment, see Book 6, no. 400). Concerning Masses for the dying. 126. When should several be said in a day, etc.? 127. If, while the Mass is being celebrated, the Church is polluted, or a communicant approaches. § III. Concerning priestly power. A simple priest can validly consecrate the Eucharist and administer it; and can grant absolution in cases of necessity. It is necessary for every priest to know what is required for administering absolution in cases of necessity. 130. § IV. Concerning the duty of teaching and preaching, 131, and 134. § I. Concerning the order of priesthood. 92. THE PRIESTHOOD is an order by which the power to consecrate the Body and Blood of Jesus Christ, and to absolve the faithful from sins, is conferred. The order of the priesthood was instituted by Christ

Translated by churchlatin.ai, a product of Boyne Archives

at the Supper, when He said: "Do this in remembrance of Me." And after the Resurrection, when He said: "Whose sins you remit, they are remitted unto them." What is the matter of the priesthood? According to our more probable opinion (as we have said here, no. 28, and in Book 6, no. 749), it is singular, namely, the second imposition of hands by the Bishop upon the candidates for the priesthood. But it is also probable that it is twofold, namely, the handing over of the chalice with wine, and the paten with the host, the formula being: "Receive the power to offer the Sacrifice, etc." And the third imposition of hands, the formula being: "Receive the Holy Spirit, whose sins you remit, they are remitted unto them." And this opinion, being probable, must be held entirely. (See Book 6, no. 749). 93. Hence, we say that in the ordination of priests, both species, namely, bread and wine, must be handed over along with the chalice and paten; otherwise, the direct power to offer the entire Sacrifice would not be given; and at the same time, it must be given, since the priestly power to sacrifice is indivisible; thus, the more probable opinion, which must be held entirely (Book 6, no. 750). Also, it must be given by the same ordaining and celebrating priest, as has been said here, no. 53, in end. We say II. that it is not sufficient to touch only the chalice, and not the paten, since it is probable that both should be touched (no. 753). We say III. that, although, according to common opinion, a priest is validly ordained who has touched only the host, and not the paten, since the host and wine are the substantial matter; and the chalice and paten are used only for decency; nevertheless, it is advisable that such an ordination should be avoided.

[*Latin ed. p. 49*]

It must be repeated that four Doctors of the Church have doubts about this matter, and in the Pontifical (where the discourse is about the matter), it is said: "Let him touch both the chalice and the paten" (n. 751). And it seems that the same should be said of the one who touches only the paten and the chalice, and not the Host. 94. It is asked, when must a defect be supplied in the ordination to the priesthood? If the defect is concerning essentials, namely concerning the matter or the form, then the ordination must certainly be repeated: and indeed, the entire ordination, if the defect concerns the doubt regarding the tradition of the first power over the true Body of Christ; but if it concerns the second [power], only the second must be repeated. But if the defect is concerning accidentals, then if it is about a minor matter, such as if the ordained person did not say the canon, then such a ceremony (or a similar one) does not need to be repeated; but if it is about a serious matter, such as if the unction of the hands was lacking, or if the newly ordained priest did not pronounce the words of consecration with the Bishop, then the defect must be supplied as soon as possible, and by the same Bishop (if it can be done); otherwise, the ordained person would be gravely sinning by neglecting this, or in

Translated by churchlatin.ai, a product of Boyne Archives

administering the sacraments (l. 6, n. 758). But when should these defects be supplied during the aforementioned ordination? It is answered that if they are concerning accidentals, they can probably be supplied at any time; but if they are concerning essentials, then, as Salm and others say, the same applies: but according to the more probable and common opinion, they must be supplied during the established times of ordinations, as can be gathered from chapter "Presbyter, de sacr. non iter.," unless it is only a question of the validity of the ordination, as several Doctors of the Church probably believe (l. 6, n. 759).

§ II. Concerning the Sacrifice of the Mass.

98. — A SACRIFICE (speaking in general terms) is defined as: "An offering of a sensible thing made to God through immolation, as a sign of His supreme dominion." A sacrifice can be of four kinds: Latreutic, for the worship of God; Eucharistic, for giving thanks; Impetratorium, for obtaining benefits; and Propitiatory, for obtaining reconciliation.

98. — The Mass, however, is defined as: "The consecration and offering of the Body and Blood of our Lord Jesus Christ." And it is a true sacrifice, encompassing all the others; and it is the same Host that was offered on the cross, differing only in the manner of offering, as taught by the Council of Trent, session 22, chapter 2. The essence of the Sacrifice, some say, consists in the consecration; others, in the offering; others, in the consumption; and finally, more probably, in the consecration, together with the consumption, as Bellarmine, Soto, Bonacini, and Tournhem say (l. 6, n. 305). To the essence of the sacrifice, it is more probably required that both species, namely the bread and the wine, be consecrated; otherwise, the commemoration of the sacrifice of the cross would not be sufficiently expressed (n. 306).

97. — Question I. What is required to perfect the Mass? Three things.

[*Latin ed. p. 50*]

The following are necessary: Intention, matter, and form. An intention to consecrate, or to perform the Sacrament, is required, at least virtually, that is, one that persists from a previously held actual intention, as is certainly the case with one who prepares and approaches to celebrate, according to what has been said here, number 9. More must now be noted concerning the matter and form of the Mass. The matter is Christ Himself, the Lord, truly present under the species of bread and wine. The bread to be consecrated must be usual and common, made of wheat flour and natural water (at least for the greater part), and baked by fire in the manner of bread, and not mixed with another substance equally or almost equally (as says D. Thomas), nor corrupted, nor close to corruption; otherwise, it is not a suitable matter. However, for it to be a licit matter, in the Latin Church, the bread must be unleavened, while in the Greek Church it must be leavened (l. 6, n. 498, ad 205). It should be noted here, 4, that if a Greek passes

Translated by churchlatin.ai, a product of Boyne Archives

through lands of the Latins (and a Latin through Greece) where there is no Church in which the Greek rite is observed, he may, at his discretion, celebrate either with unleavened bread or with leavened bread, commonly (l. c., n. 203). It should be noted 2, that it is not licit to consecrate a broken or stained host; but it is not a mortal sin, unless the fracture or stain were very enormous, as say Quarti, Pasqual, and La Croiæ adds with Gobat, that if a fracture is discovered after the oblation, such a host may be licitly consecrated, provided that scandal to the people is avoided (l. c., n. 204). It should be noted 3, that the host must be of an orbicular shape, and larger for the priest; if, however, a larger one is lacking, as say Roncagl., Quarti, Elbel, Gobat, and Tamb., the priest can probably consecrate a smaller one; provided (they warn) that there is no scandal to the people; but they add that this scandal can easily be avoided by informing the people of the lack of a larger host (l. c., n. 205). 98. — The wine, however, must be expressed from grapes; to which, by a grave precept of the Church, a small amount of water must be added to the chalice (to signify the union of the faithful with Christ), which must not exceed one-third of the wine; although some Doctors do not admit this opinion, unless the wine is generous. It is sufficient to add one drop of water (l. c., n. 208 and 210). Wine from unripe grapes, nor vinegar, nor vappa (that is, wine of which the strength has evaporated), nor lora, commonly called acquata, are not suitable matter. Wine mixed with a small amount of another liquid, or must from grapes then pressed, is indeed suitable matter for the Sacrament, but gravely illicit, as is said in the Rubric; where the same is taught concerning wine that has begun to ferment, or to become corrupted, or has become somewhat sour. However, La Croiæ, Gobat, and Sporer (l. c., n. 206 and 207) say that, if another wine is lacking, it is licit to use wine that is only slightly sour: for Cardinal Lambertinus says (Notif. 77, n. 2) that the aforementioned Rubric is derived from the teaching of St. Thomas, 3rd part, question 74, article 5, ad 2, who teaches that while the Sacrament cannot be performed with vinegar, it can be performed with wine that is becoming sour, which is on the way to corruption..., although the one performing it commits a sin.

[*Latin ed. p. 51*]

The rubrics do not seem to be to be understood with such rigor as to include all degrees of acrimony, even the first, but only those which have already begun to cause the wine to ferment, commonly called "vino colla punta," or "vino allo spunto." It is not permitted to consecrate in frozen wine, unless it is liquefied during the consecration (l. 6, n. 207, Qu. I.). However, it cannot be doubted that frozen wine is a suitable material, as stated in the rubrics (De Defect. §. in hyeme): "If, in winter, the blood freezes in the chalice, wrap the chalice in heated cloths, etc., until it liquefies." Therefore, by freezing, the species of the wine are not corrupted; otherwise, it would no longer be the Blood of Christ (see ibid.). What if the celebrant,

Translated by churchlatin.ai, a product of Boyne Archives

during the reception, notices that the wine is corrupted? Some say that it is sufficient to simply consecrate the wine. But it is better, according to the rubrics (unless there is a scandal), to repeat the wine and consecrate a new host, beginning with the words: "Qui pridie..." (see l. 6, n. 288). And if there is doubt as to whether the material is suitable, the consecration of the wine must also be repeated, as Croix, Pasqual, and Aversa rightly say (against Tambur. and Spor.), because there is an obligation to make the Sacrament complete (l. 6, n. 206, v. Quoad.).

Furthermore, for a valid consecration, it is required that the material be manifestly (at least morally) present; therefore, a material that is so small that it cannot be perceived by the senses, or that is very distant, or placed behind the back, or behind a wall, is consecrated invalidly. It is said to be manifestly, or at least morally, present, because a blind man, or one who is in darkness, can consecrate validly, if he is morally certain of the presence of the material (l. 6, n. 214, ad 213). It is also required that the material be certain and determinate (at least in some certain way, such as the first two hosts on the right side); then, it is already consecrated by virtual intention, even if the priest forgets about it during the consecration (l. c., n. 214, ad 216). However, if the ciborium remains outside the altar during the time of consecration, it is more probable that it must be consecrated again, as taught by Cardinal Lambert (De Sacrif. Missæ, l. 3, c. 48, n. 6), because then it is doubtful whether the consecration has been made (l. 6, n. 217). As for separated drops of wine, but which are within the chalice, La Croix says (l. 6, p. 4, n. 449), that it is necessary for the priest to intend to consecrate them, so that nothing in the chalice remains unconsecrated. But it seems to me that it is better to intend this for the drops near the bottom, and not for those that are far away (see our work, l. 6, n. 215, v. Quær.).

If hosts are offered that are small, shortly after the oblation, they can be consecrated, the mental oblation supplementing the offering (Gavant., Tanner, Possev., Aversa, etc.). This can probably also be done after the canon has begun, as say Gobat, Quarti, Burghab, Possev., Diana, Tambur, and Cardinal Lambert (De Sacrif. Miss., l. 3, c. 48, n. 5), at least if otherwise, more people would be deprived of Communion; or even (I believe) if the person communicating cannot wait, or if a person of high rank or nobility requests Communion; because for such reasons, St. Antoninus and Sylv. permit it.

[*Latin ed. p. 52*]

vest. Bon. Sa, Barb. March. Possev. Gob. Dicast, etc. may also receive a portion of the principal host, or the smaller hosts may be divided into several particles (See Qups, book 6, chapter 217, volume IV). 400. — The form of the Eucharist are the words that are pronounced during the consecration of the bread and wine. But are only the words, "This is the chalice of My blood," necessary for the consecration of the wine, without any

Translated by churchlatin.ai, a product of Boyne Archives

addition, or even other words? Both opinions are probable; but certainly, one gravely sins by omitting the rest (book 6, chapter 223). However, for the consecration, the preceding words are necessarily required: "Who, on the day before He was to be delivered..." The common opinion denies this, but Scotus doubts it, and Du Pasquier and Contin. Tournely say that his opinion is not without some probability; and I do not dare to say that it is improbable (See book 6, chapters 220 to 224). The form of the Eucharist must be pronounced explicitly and significantly, that is, by reciting the words of Christ and applying them to the present matter, so that it may be transformed into the Body and Blood of Christ, as taught by the Council and Salm. with St. Thomas (See chapter 220, end). If someone, due to a lisp, were to say, "This is My body," or "My body," or "corpus, meum," or "chalice," or "blood," they would validly consecrate, as Suarez, Lug. Croix, and others commonly report, from chapter 4, concerning consecration, where it is declared that Baptism conferred "in the name of the Father, and the Son, etc.," is valid; the reason is that the words are such that, even if they are sometimes pronounced with a defect, they still signify the same thing; provided that they do not introduce another meaning (book 6, chapter 224). It should be carefully noted what the Rubric says (rite 5, chapter 2): "If the celebrant does not remember having said what is commonly said during the consecration, he should not be disturbed (i.e., he should repeat it)." But if he very probably doubts that he has omitted something essential, he should repeat the form, at least under a tacit condition. 401. — Question II. How is Christ present in the Eucharist? The answer is: Christ is not present in the Eucharist by production, nor by being brought down from heaven, but by the conversion of substance, the bread being converted into the substance of the Body of Christ, to which conversion the name transubstantiation is appropriately applied. Christ, under the species of bread and wine, is sacramentally contained, and in an ineffable manner, which must be believed, but cannot be understood (as the Council of Trent says in session 43, chapter 4: "We can scarcely express it in words"). The Savior exists there without the extension of parts in relation to place, and yet He is there as the whole Christ, with His soul and divinity, by concomitance: and each part of Christ exists there apart from the others. And Christ is whole and entire under each part of the species, as the Council of Trent teaches in session 43, chapter 3. But this must be understood, with the distinction made, as is stated in the Council of Trent in the same session, 43, canon 3. Therefore, if no distinction is made, the question remains undecided, whether Christ is present in its entirety under each part of the species. In the Eucharist, the person of the Father, nor the Holy Spirit, is not taken, as is the person of the Word, which is hypostatic.

[*Latin ed. p. 53*]

Joined to this [reality] is the fact that in the Eucharist, the Persons of

Translated by churchlatin.ai, a product of Boyne Archives

the Father and the Holy Spirit are also present, due to the natural union, or the identity of the divine nature, which they have with the Word. 402. – Question III: What are the things offered in the Mass? And what are the effects of the Mass? The things offered are three: Christ, who is the principal offerer; the Church; and the priest, who offers as a minister both of Christ and of the Church: thus Bellarmine (on the Sacrifice of the Mass, chapter 4). The effects of the Mass are four: I. It is the remission of sins, not indeed immediately and by itself, but mediately through the help that is obtained in the Mass for repentance, through which forgiveness is then obtained; thus commonly Bellarmine, Suarez, and others with the Doctors (in 4th Dist., 12th Question, 2nd Article, 2nd Question, ad 4th), who says that the Mass remits sins, insofar as it obtains the grace of contrition. And this is rightly and commonly held by the Fathers with the same Doctor (loc. cit.) against Ganus and Valentia, concerning the remission of both mortal and venial sins (loc. 6, no. 344). II. It is the remission of punishments; these are immediately remitted to the just person for whom the Mass is offered, commonly by Gonfalonieri, Suarez, Council of Salm, and others with the Doctors (3rd Part, Question 97, Article 5), saying that this Sacrament, insofar as it is a sacrifice, has a satisfying power. III. It is an increase of grace, not already from the work performed and immediately, as some think, but mediately through the helps that are obtained from the Mass for performing good actions, through which grace will be increased, as taught by Castrop, Vasquez, Suarez, Lugo, etc., commonly. IV. It is the obtaining of both spiritual and temporal goods, insofar as they are beneficial to souls (loc. 6, no. 344, vol. II, Effects). 403. – It is asked: For whom can the Mass be offered? It can be offered for any faithful, for infants, for the sick, and for others, even if they are in sin. But for excommunicated persons? If they are to be avoided, then the priest cannot offer the Mass for them in the name of the Church, or as a minister of Christ, according to c. 2 of the Decrees on excommunication. But if they are tolerated, it is more probable, with Sanchez, Navarre, Lugo, etc., against others (loc. 6, no. 309), that the priest can offer the Mass for them even in the name of the Church: for although those who are tolerated are excluded from the giving of suffrage, nevertheless the Council of Constance has granted that they can freely communicate with them in divine matters, as has been said (loc. 7, no. 439). Similarly, it is also probable that the Mass can be offered for unbelievers, as taught by Bellarmine, Layman, Suarez, Salm, etc., against Soto, because Christ offered Himself for all, and this was certainly permitted in the Old Testament; for the Jews were already accustomed to offer sacrifices for the Gentiles (loc. 4 Machabees, chapter 12): but for the dead who are in Purgatory, it is certain, and a matter of faith, as taught by the Council of Trent, Session 22, chapter 2, and in canon 3, that the Mass is offered lawfully and profitably. And this is from the infallible promise of Christ, as Azor and Suarez teach (loc. cit.)

Translated by churchlatin.ai, a product of Boyne Archives

against Ganus, etc.

[*Latin ed. p. 54*]

Navarre, Salm, etc., because, since it is certain that the Mass is offered usefully for the deceased, this can only be by the promise of Christ (loc. cit. n. 340). 104. — Question IV. What is the fruit of the Mass? It is answered: The fruit of the Mass is one from the work performed, namely, from the merit of Christ; another is from the work of the one performing it, that is, from the merit of the priest. Also, one is meritorious, another is satisfying, another is efficacious. Also, one is general, which reaches all the faithful, living and deceased; another is special, or intermediate, reaching those assisting at the Mass, and to whom it is applied; another is most special, reaching only the celebrant; for whom no payment can be received, according to proposition 8, condemned by Alexander VII. 105. — Is the Mass of infinite value, both intensively and extensively? More Doctors deny this; but more, indeed, affirm it with good reason, such as Gonet, Ilabert, Juenin, Petrocor, Pignatelli, Tourn, Conc. Holzm, Wigandt, La Croix, Canus, Salm, etc., and for these, there is also the Doctor Thomas; because the Mass is the same as the sacrifice of the Cross, which was of infinite value. Although the value is infinite, the effect of the Mass is finite, due to the finite capacity of the people for whom it is offered, each of whom receives the fruit according to his capacity. But since the first opinion is also probable, the priest cannot receive a double payment from two people, by applying the Mass to both, as falsely stated in proposition 40. This was condemned by the same Alexander VII. Nor can he apply it to the one giving the alms in general with others, unless he does so under the condition that it is permissible (l. 6, n. 342). 406. — Question V. What about the payment for the Mass? It is permissible for priests to receive payment, even if they are wealthy, as commonly taught by Suarez, Lug, Conc. Tourn, with Gerson, and Thomassin, and many others (against Gennet and a few others); because every worker is worthy of his reward, according to the Apostle (4 Tim. 5, 48) (loc. cit. n. 347, Q. I). 407. — The priest sins gravely if he delays a promised Mass for payment for more than two months, as say Garcia, Philib, Ripa, and others with Lugo: also, Instruct. Conf. Novell. (part 2, c. 406) and Tourn, who says that it is the common opinion, that it is permissible to accept payments for Masses for two months (l. 6, n. 347, Q. II). Also, the Council, which says nothing other than that a delay of two months is serious, according to the decree of the Sacred Congregation. If, however, the Mass is for the deceased, a delay of one month will be serious, as say Castrop, Escob, and Salm (Ibid.). Indeed, if the Mass is to be said for an urgent necessity, such as imminent death, or another damage, then even a delay of a week can be mortal. See Cabrin (c. 34, n. 216). However, this is rightly noted by Cont. Tourn, that if someone gives many Masses to a community for celebration, it is not presumed that he is content that the Masses be celebrated with

Translated by churchlatin.ai, a product of Boyne Archives

such a delay, as if he had given them to one priest. However, this is not to be understood as meaning that all...

[*Latin ed. p. 55*]

The community's priests ought to be occupied with saying these Masses consecutively; for it must always be assumed that the community has other obligations as well; but if the Masses are to be distributed to a larger number of priests, or at least to a number of them sufficient in number, if the community is very large, then, according to the distribution made, the community will subsequently be able to fulfill its obligations within the time allotted to each priest for fulfilling his own obligations. Furthermore, it should be noted here that Innocent XII, in the Bull *Nuper*, in the year 4697, ordered all Rectors of Churches to display a table of the charges for temporal and perpetual Masses in a conspicuous place, so that they would not be burdened with new charges for which they could not properly provide. (See *op. cit.*, Instruction, p. 2, no. 409). 408. — It is not permitted to give Masses to others for celebration, retaining a portion of the stipend, under penalty of incurring suspension, reserved to the Pope, if the person is a cleric, and excommunication, if the person is a layperson, as stated in the Bull *Quanta cura* of Benedict XIV. And the portion retained must then be returned, and it is more probable that it should be returned to the priest celebrating, rather than to the poor. Unless a large sum is given to someone by reason of his person, or benefice, or chaplaincy (even a temporary one), or perpetual legacy, because in that case, such a person may retain the excess portion. However, the administrators of churches, according to the Decree of the Sacred Congregation, confirmed by Innocent XII, may retain nothing, nor even for expenses incurred in the celebration of Masses, unless the church has no other income (See book 6, no. 324 and 322). See these and other things said about the stipend for Masses in the aforementioned book, no. 321 and following. 409. — Parish priests, according to the Bull *Cum semper*, of the same Benedict XIV, are obligated to offer a Mass for the people on all festive days, even if they do not have adequate sustenance. If, however, they have ample income, they are not obligated to offer Masses so frequently; as is declared in the same bull (book 6, no. 325, Question II). Here, it should be noted that in the same bull, the Pope decreed that the conventual Mass, which is sung daily by the clergy, should be offered for the benefactors, considering the benefactors in general, regardless of any custom to the contrary (l.c. no. 326). 440. — The application [of the Mass] must be made before the celebration, or before the consecration. However, it is truer (whatever others may say) that the habitual application of the Mass is sufficient, as commonly taught by Suarez, Lugo, Borri, Tournhem, Holzmüller, and others (Book 6, no. 335, Question I). If a Mass is not applied to anyone, the benefit remains in the treasury of the Church. An application made under a condition not fulfilled is valid; however, if it is

Translated by churchlatin.ai, a product of Boyne Archives

made for the first person who offers an alms, it is not only illicit by the prohibition of Clement VIII, but it is also often invalid (l.c. no. 337, see). 441. — Question VI. Is a priest ever obligated to celebrate a Mass in the year? Some, with the exception of scandal, say no: St. Bonaventure, Cajetan, Lugo, and it is probable that others also hold this view.

[*Latin ed. p. 56*]

It is the opinion of Suarez, Layman, and Paley. Others, however, more commonly agree with the Doctors of Theology (and to this I adhere more closely), that the words of Christ, "Do this in remembrance of me," most likely contain the precept that priests should celebrate Mass, as is clearly stated by the Council of Trent, Session 1, chapter 1, saying: "The Apostles, and their successors in the priesthood, were commanded to offer sacrifice through these words: 'Do this, etc.'" Furthermore, Saint Pius V ordered that the first opinion of Cajetan be removed from his commentaries. Merbesius and Habert say that priests are obligated to celebrate Mass at least on all feast days. Concina agrees with this, citing from the Council of Trent, Session 23, chapter 14, concerning reforms, where it is stated: "Let Bishops see to it that priests celebrate Mass at least on Sundays, and on the more solemn feasts." However, these words do not sufficiently prove that this is a strict precept of the Council. Therefore, it is more likely, and is commonly stated by Navarrus, Layman, Paley, Ricardus, Vallius, and Elbel, with Scotus, Gobinus, and Anaclasius, in book 6, page 303, question 2, that priests are obligated to celebrate Mass at least three or four times a year on the more solemn feasts. This is also the opinion of Saint Thomas, who states in part 3, question 82, article 10: "Therefore, even if a priest does not have charge of souls, he is not entirely excused from celebrating Mass, but rather it seems that he is obligated to celebrate Mass on feasts, and especially on those days on which the faithful are accustomed to receive Communion, namely, Easter, Pentecost, and the Nativity of the Lord, according to Canon 16 of the decrees concerning consecration, district 2." Suarez, Lugo, Bonaventure, Holzmüller, and Salm hold that it is sufficient to avoid mortal sin to celebrate Mass three or four times a year on any days. This seems to be in accordance with the Decree of the Sacred Congregation of the Council, issued in November of the year 1696, in which it was declared that a priest who does not celebrate Mass three or four times a year is guilty of mortal sin. Furthermore, I am certain that a priest who, without cause, omits daily Mass (except for one day in the week out of reverence for the Sacrament) will scarcely be excused from venial sin, since he deprives the Church, of which he is a minister, and the Christian people, for whom he intercedes at the altar, of the fruit of the Sacrifice. The Apostle instructs priests in this way: "Every high priest is constituted not for himself, but for men, that he may offer gifts and sacrifices for sins." Hebrews 5:1.

Question VII: Are all the rubrics in the Missal imperative, or are some di-

Translated by churchlatin.ai, a product of Boyne Archives

rective, or merely advisory? There are different opinions on this matter. We follow the opinion of Quarti, Merati, and Tournhem, who say that all the rubrics concerning actions to be performed within the Mass are imperative, and obligate according to the importance of the matter, for in the Bull of Saint Pius V it is said: "They strictly command that the Mass be celebrated according to the rite, manner, and norm prescribed in the Missal, and that it be read." Note that "they strictly command" (loc. cit., n. 399). However, it is probable that several Doctors hold that some of the rubrics concerning actions to be performed outside of Mass are merely directive, such as the washing of hands after Mass, and the prayers before or after Mass (see loc. cit., n. 499, and).

[*Latin ed. p. 57*]

440.). Furthermore, it must be diligently observed that the rubrics prescribed in the *Cæremoniale Episcoporum* are obligatory everywhere, as stated in three bulls cited therein: "The aforementioned *Cæremoniale* must be observed in all churches, especially in cathedrals and collegiate churches."

443. — Question VIII. When may Mass be said? The rubrics state: "Mass may be said privately at least after Matins and Lauds, and at any hour from dawn until noon." Commonly, Doctors of the Church say that Mass should be concluded at dawn, and begun a little before noon. Indeed, Benedict XIII and Clement XII declared that a latitude of one-third of the hour may be tolerated, both before dawn and after noon (lib. 6, n. 341, *veritas*, all). Moreover, it is commonly and more probably stated by Sylvius, Castrén, Bona, Roncaglia, Viva, Salmant, etc., that the celebrant does not commit mortal sin unless he begins Mass an hour before dawn or an hour after noon; he commits only a venial sin if he exceeds these times for any reasonable cause; indeed, a more serious cause, such as the administration of the sacraments, a solemnity, a journey, or a funeral, entirely excuses the delay, even if it is for a full hour (lib. n. 343, see 346). It is permissible to administer Communion until Vespers, exclusively; and even at Vespers, if there is a special reason, provided it is not at a late hour, that is, at a very late time of night (n. 259). However, to celebrate Mass before Matins and Lauds, some say it is mortal sin, others say it is no sin, and others, more truly and commonly, as Suarès, Soto, Sylvius, Torquemada, Bellarmine, etc. (to whom Benedict XIV also assents in *De Sacra Missa*, lib. 3), say that it is not mortal sin, because such a grave obligation is neither expressed in the rubrics, nor is it commonly accepted as a grave one; but they do not excuse it from venial sin, since it is already counted among the defects in the rubrics (lib. 6, n. 347). However, to say conventual Mass before Matins and Lauds is not excused from mortal sin, as Doctors of the Church commonly teach, contrary to Sanchin (n. 348). To celebrate Mass on the day of the Lord's Supper and on the holy Sabbath (whatever others may say) is in no

Translated by churchlatin.ai, a product of Boyne Archives

way permitted, nor even privately, as is clear from the decree of Clement XI, which is referred to (lib. 6, n. 350), and which was confirmed by Innocent XIII, see *Merati in Indice Decretor* n. 495, 501, 504, and 632.

444. — Question IX. Where is it permissible to celebrate Mass? It is answered that it is permissible in chapels blessed by the Bishop and designated for sacred uses, or in seminaries, monasteries, and hospitals, and also in private houses (provided the chapel has a door opening onto a public street); also in chapels of religious orders (regarding Regular Canons, see *Tractatus de Privilegiis*, n. 423 and 424), and also in those erected in the palaces of Bishops, all may celebrate, at any time, even on solemn feasts, because such chapels are true churches. However, in private chapels, in which it is only permitted to celebrate by pontifical privilege, it is not permitted to celebrate on days of Indult, except for Easter, Pentecost, Nativity of the Lord, Epiphany, Annunciation, Ascension, Assumption, and the feasts of Saints Peter and Paul and all Saints. Nor is it permitted in them to ce-

[*Latin ed. p. 58*]

Libraries, unless there is someone present to whom it has been expressly granted, as declared by Benedict XIV in the bull *Cum duo Nobiles* (see book 4, no. 349, see *Probablem*). Nor can more Masses be celebrated there, if it is said (as is customary) that only one Mass is celebrated daily; for Benedict XIV declared in the bull *Magno*, dated June 2, 1754, that one [Mass] is the same as a single [Mass] (book 6, no. 359, near the end). As for whether Communion can be administered in these private oratories, some affirm, others commonly deny; and Benedict XIV, in the Encyclical Letter to the Bishops of Poland, dated June 2, forbade giving Communion in private oratories without the permission of the Bishop (cited no. 359, see *Quaeres*). However, it is never permissible to celebrate Mass at sea, unless with the express permission of the Pontiff (see above, no. 359, near the end).

445. — A priest who celebrates Mass in a church that has been defiled by a notorious shedding of blood in a notable quantity (for in chapter 40, concerning consecration, it is said that blood was shed), or by semen, or by the burial of an unbeliever, heretic, or excommunicated person, before that person has been reconciled by the Bishop (or by a priest delegated by the Bishop, if the church has only been blessed), commits a grave sin; but incurs no penalty, as is more probable, according to Suarez, Lamy, Lugo, and others, with reference to the Sacred Mass (book 6, nos. 361 to 366). Similarly, it is mortally sinful to celebrate Mass in a church that has been desecrated, namely, if at the same time a large part of the walls have been torn down, or the plaster removed (see above, nos. 367 and 368). Whether it is permissible for priests to celebrate Mass in churches of Regular canons in defiance of the prohibition of the Bishop? See the statements in *Tractatus de Privilegiis*, no. 77.

Translated by churchlatin.ai, a product of Boyne Archives

446. — Question X. What is required under a grave precept for the proper celebration of Mass? It is required that there be I. an altar, or a stone altar consecrated by the Bishop, with a repository for relics and a seal, where the consecrated Host and particles must always be kept (book 6, nos. 372 and 373). However, the altar is desecrated, so that it is mortally sinful to celebrate Mass on it, if the consecrated table is removed from the lower structure, or if the altar is notably broken, or if the relics or the seal are removed from it, as is stated in the Decree of the Sacred Congregation of Rites (see above, no. 369). Three cloths are also required for the altar, and two are not sufficient, as some say: however, one separate cloth and one folded cloth are sufficient (see above, nos. 374 and 375).

447. — It is required II. a chalice and paten consecrated. However, the chalice is desecrated if it is notably broken in the cup, or if it is pierced at the bottom; but not if its gilding is lost, as is more probable and commonly taught by Lugo, Suarez, Sylv., Tourn., Lamy, etc. Therefore, it is more probable that a chalice that has been newly gilded does not require a new consecration (1). However, it is more probable that celebrating Mass in a chalice that has never been gilded is illicit, but (1) But see this opinion retracted, book 6, no. 370, see *Omnibus tamen*; this retraction is confirmed by the most recent declaration of the Sacred Congregation, at the request of the Most Illustrious Bishop of Lodi, dated June 14, 1845. The response was: "Since the Most Reverend Bishop of Lodi... "

[*Latin ed. p. 59*]

It is considered only venially, as Lug and Tournely state. When the chalice is separated from the base, it certainly loses the consecration if the cup is fixed to the base; otherwise, if the base is detachable and can be separated, (l. 6, n. 370). Commonly, however, Laym, Gav, Tourn, Bon, Roncag, etc., teach that the pyxide should not be consecrated (l. 6, n. 384). It is, however, doubted whether it should at least be blessed? Commonly, Suarez, Sylv, Azor, Sot, etc., deny this. And this does not seem improbable; but Salm, Tourn, and others, along with Cardinal Lambertini (who, however, does not consider the omission to be more than venial), more plausibly affirm that this is more in conformity with the rubric of the Missal, in which it is stated that the priest places the host for Communion before the chalice, or in some clean, blessed vessel. The same should be said of the lunule of the ostensorium, where the host is placed during exposition (l. c., n. 385). 448. — Requirement III. Sacred vestments, blessed by the Bishop, or by another who has the power from the Pope. He who celebrates without the alb, or stole, or maniple, or with those that are not blessed (unless a serious necessity excuses him), sins gravely; however, several Doctors say, not improbably, concerning the celebrant without a cingulum, or without it being worn (l. c., n. 377). Regarding the cingulum, the Holy Congregation declared on January 22, 1701, that it is more fitting for the priest to use a

Translated by churchlatin.ai, a product of Boyne Archives

linen cingulum than a silk one. However, vestments are condemned when they lose their proper use, namely, if a sleeve is cut off from the alb; the cingulum, if it is torn in such a way that the remaining part cannot encircle the waist; the stole, if it cannot cover the shoulders; or if a part of it is torn in such a way that its form is lost; nor is it sufficient to repair it; for when the form is destroyed, the parts cease to be sacred (l. c., n. 368 to 374). However, the color of the vestments is more likely to be a matter of precept, but not a grave one (l. c., n. 378, dub. 5). 449. — Requirement IV. The corporal must be blessed, and made of linen, or canvas (l. 6, n. 386). However, the corporal is condemned if it is broken in such a way that it can no longer decently contain the chalice and paten with the host (l. c., n. 374). Care must be taken that the corporal is not very unclean, in which Suarez, Laymann, and Tamb. say that one can even sin gravely; although Tamb. adds, from the same Suarez, that it is difficult for it to become very unclean. However, using a corporal, and other vestments that are unclean, is permissible if they are not very unclean, and is not excused from being venial, unless others cannot be obtained, as Croiæ says with Suarez and Gobat. Indeed, Tourn. says that in necessity, namely, if the priest or others were to omit Mass by precept, it is permissible to use a corporal that is even noticeably unclean (l. 6, n. 374). 420. — V. The pallia also must be blessed, and made of linen, or canvas, at least on the inner side, as Suarez says, but according to a decree of the Sacred Congregation, it was stated: "In the sacrifice of the Mass, the pallia should not be used on the part that touches the body." The same Congregation was petitioned by the Congregation of Rites to declare whether the chalice and paten lose their consecration through a new cleansing and thus require a new consecration? The same Sacred Congregation judged that the answer should be: "Affirmatively, namely, that they lose it and require it, according to what has been explained."

[*Latin ed. p. 60*]

It is not, however, improbably stated by Soto and others that celebrating without a pall is not a mortal sin, since the pall does not immediately touch the sacred species (loc. cit. n. 388).

5. Purificators are required, and it is probable that they need not be blessed (loc. cit. n. 389).

124. — VI. The Roman Missal is required, containing at least the entire Canon. It is commonly, and probably, stated by Suarez, Vasquez, Layman, Paludanus, Lugo, Salanus, Croiacus, etc., that it is not sinful for a priest to celebrate without a Missal, if he knows well what must be said by memory, and if, due to past experience, there is no danger of error. However, to use a Missal of the Regulars (that is, celebrating according to their rite) is a mortal sin, even in their own churches (loc. cit. n. 390).

VII. The minister is under a grave obligation, at least until the Offertory, unless necessity demands that Viaticum be given, or even if he should be

Translated by churchlatin.ai, a product of Boyne Archives

omitted on a feast day. The minister must be a male, for women are strictly forbidden from ministering immediately at the altar under grave guilt. However, it is commonly stated by Layman, Suarez, Tournhem, Mollerus, Homobonus, etc., that it is not a grave sin for a priest to celebrate with someone who is not a minister. Indeed, Paludanus, Wigand, Tournhem, Lugo, Layman, etc., state correctly that women can sometimes respond from a distance, especially if they are nuns, provided (as we have said) that they do not minister immediately at the altar (loc. cit. n. 394 et 392).

122. — VIII. A crucifix is required, even if the Blessed Sacrament is exposed on the altar, as is stated in the Ceremonial of Bishops, and in the decrees of the Holy Congregation (1). However, is it a mortal sin to celebrate without a crucifix? It is commonly denied by Layman, Suarez, Bonaventure, Tournhem, and the Council of Haberno, etc. But it should be noted that Benedict XIV, in a decree addressed to all Bishops dated July 16, 1746, beginning with "Accepimus" (see in Bullarium), states the following at the end: "Therefore, we command you that you in no way permit the divine rite to be performed at such altars unless a crucifix is prominently displayed among the candlesticks, so that the priest and the people can easily and conveniently see the same crucifix; this cannot happen if only a small crucifix is affixed to a small tablet and shown to the faithful." Earlier in the same decree, it states: "We cannot permit the Mass, which is a sacrifice, to be celebrated at altars that lack an image of a crucifix, or if the crucifix is placed in an inconvenient position in front of the celebrating priest, or if it is so thin and small that it almost escapes the eyes of the priest and those assisting." From this, it should also be noted from the Ceremonial of Bishops that if a statue of a crucifix is present on the altar, another crucifix need not be added. This is confirmed in the aforementioned decree of Benedict, where, according to the opinion of Pasqualigo, Quarti, and Giribaldi, to whom the Sacred Congregation of Rites conformed in a certain decree at Merano (n. 400), it is sufficient to have a crucifix depicted on the larger tablet of the altar, or on the... (1) Cf. loc. cit. n. 393.

[*Latin ed. p. 61*]

It also teaches Pignatellus (T. 9, Consult. 89) that it is not necessary for the Cross, or other sacred images, to be blessed (l. 6, n. 393). It is required that two candles be lit, made of wax; not of tallow, or oil, unless it is being celebrated out of necessity, but not if it is done out of devotion (l. c., n. 394). It is required that a burse, a veil, a pall (or corporal), and a manucian be present; but La Croia rightly says that it is not a sin to celebrate without these, when none of them are available (l. c., n. 395). To celebrate Mass with the head covered throughout the entire Mass is a mortal sin; otherwise, only up to the Canon (l. c., n. 997).

123. — Note 1: It should be noted that Neo-Presbyters, when consecrating with a Bishop, truly celebrate the Mass, but they do not offer a sacrifice.

Translated by churchlatin.ai, a product of Boyne Archives

In this case, the primary celebrant is the Bishop, and the priests are also total causes of consecration, but moral causes, which produce one effect: this is different from total physical causes, which produce diverse effects. Each one who is ordained to the priesthood should then pronounce the words of consecration, with the intention of consecrating, but under the condition that they conform at the same time with the words of the Bishop; otherwise, he would sin gravely (l. c., n. 232).

124. — Note 2: It should be noted that the Bishop commands the Neo-Presbyters to celebrate three Masses: one for the Holy Spirit, another for the Most Holy Virgin, and a third for the dead. But is this a grave obligation to say these Masses? Some, such as the Synods of Laym and Azor, affirm it. But others, such as Soto, Pal, Val, and Pelliz, deny it. However, it seems certain that 1) those who disobey this command of the Bishop at least sin venially; 2) this kind of command does not obligate the application of the Masses for the Bishop, since it is not expressed; much less so because he adds: "And also for me, as a favor." It is not the case that these three Masses must be said on the first days, in which votive Masses can be said (l. 6, n. 829).

125. — Note 3: As is commonly taught, the Mass must be celebrated loftily, briefly, clearly, devoutly, and exactly. Loftily, so that what should be said loftily is not said in a low voice: but rather, it should be pronounced in such a way that at least those nearby can hear it, as the Rubric says; otherwise, the celebrant is not excused from guilt, but only from venial sin. The same must be said of one who recites in a low voice what should be said loftily. Indeed, Gavantus and Quarti believe that it is a mortal sin (but they do not sufficiently prove this) to say in a loud voice what should be said in a low voice, and La Croia agrees regarding the words of consecration, saying that he who pronounces those words so loudly that they can be heard up to ten paces, where there is a large crowd of people, sins mortally; but Father Concina does not dare to approve of this (l. c., n. 415 and 416). Briefly, that is, so that the prescribed time is not exceeded, the Rubric warns that the Mass should not be said too slowly, lest those listening be bored. The Rubric adds, "Nor too hastily"; hence, Cardinal Lambertinus (Notif. 34, n. 30), along with others, rightly says,

[*Latin ed. p. 62*]

The Mass ought not to be longer than half an hour, nor shorter than a third of an hour. How those sin who celebrate it more quickly, see what is said in book 6, number 400. There, we said that the Mass (even if it is for the dead) which is completed in less than a quarter of an hour is not excused from a grave fault. Clearly, that is, without mutilation of the words; if this is noteworthy, and the meaning is altered thereby, it is mortal (book 6, number 407). Devoutly, that is, without distraction; if this is voluntary in the canon, and especially in the consecration and reception, it is mortal, as

Translated by churchlatin.ai, a product of Boyne Archives

Tamburinus says, although some may contradict. But if it occurs outside the canon, the same is said as was said about the canonical hours (see number 75). Exactly, that is, so that nothing is omitted of those things which must be said. Here it must be noted that if parts which are ordinarily said or done are omitted, namely those which are always said or done in the Mass, it will be mortal if the matter is noteworthy, as if one were to omit any prayer in the canon, or the Our Father, or the breaking of the bread with its mixture in the chalice, or the purification of the paten and chalice after communion, or any eight or ten words of the canon. Similarly, it will be mortal outside the canon to omit the entire Introit, or two of the principal collects, or the epistle, the Gospel, the Offertory, or the infusion of water into the wine to be consecrated. However, it will be venial to omit only the Psalm Judica, or Kyrie eleison, one of the collects, one or both crosses over the oblations, the touching of the breast, or the washing of the fingers, and the same is probably said about Lugo, and others about the Gospel of St. John (book 6, number 406). Thus also, it is only venial to omit parts which are extraordinary, such as the Gloria, the Creed, the Sequence, the Tract, the proper preface, or Communicantes, and Hanc igitur proper; so all of them, commonly, unless so many parts are omitted that they constitute a noteworthy matter, as the Council and Wigandt rightly point out, whatever Quarti and Pasq. may say (in the same place, number 409).

126. — Note 4. Votive Masses, or Masses for the dead, are prohibited on Sundays, and on double feasts, and on privileged octaves; unless grave reasons exist, namely if a public necessity arises, if there is an exposition of the Blessed Sacrament for 40 hours, also on the day of death in the presence of the body, etc.: but these things are to be understood only with regard to the solemn Mass (in the same place, number 421); whether, however, Masses for the dead are forbidden on the aforementioned feasts under grave fault? Lugo, Suar., Bon., Escob., Salm., Ronc., and many others generally deny this. Escob. and Ronc. rightly limit this, if at that time a solemn feast occurs, at least because of the grave scandal of the people. Indeed, in double feasts, Masses for the dead are strictly prohibited in the decree of the Sacred Congregation, approved by Alexander VII; but in many cases, Masses for the dead can be said even on greater double feasts, namely: 1. On the day of death in the presence of the body; and this even on a Sunday, or on other more solemn days, provided they are not of the first class. 2. When first knowledge of the death of someone is received. 3. On the anniversary left by the testator. Also on the third day, se-

[*Latin ed. p. 63*]

Thirtieth and seventh: If these days fall on a feast day of precept, they are to be transferred to the following day, or anticipated under the same rite. 4. On a double feast day: if an anniversary is requested for a deceased person, the Mass may be celebrated. This is so according to several decrees

Translated by churchlatin.ai, a product of Boyne Archives

of the Sacred Congregation of Rites (see above, no. 420). However, with the exception of double feasts, and other feasts as mentioned above, the Rubric states: "Votive Masses may be said in private Masses at the discretion of the priests." But immediately afterwards, it adds: "However, this should not be done generally, unless for a reasonable cause, such as a special devotion of the priest, or a request from the person offering the votive offering." Therefore, saying a votive Mass without these reasons is scarcely excusable (no. 419). Furthermore, the priest is obliged to celebrate votive Masses, according to the request of those offering alms, on days when it is permissible to do so. It should also be noted, with the Doctors of the Church (Supp. q. 71. a. 9. ad 5.), that the Mass for the repose of the soul is more beneficial to the deceased because of the prayers that are said in it. 427. — Note 5. It is not permitted to offer the sacrifice more than once in a day, except in these cases: 1. to administer the Eucharist; 2. if on a feast day, persons arrive who would be offended by missing the sacred service, such as a king, or a prince, or a bishop; 3. if a pastor has two parishes that are far apart, and otherwise the people of one parish would be deprived of Mass on a feast day of precept. Pope Benedict XIV, in the Brief "Declarasti," published in the year 1746, points out that in this matter, it is always possible to obtain permission from the bishop, even if a necessity seems to exist. Furthermore, he points out that of the cases mentioned, only the case where the parishes are far apart is customary. It should also be noted that it was formerly permitted for a priest on a Sunday to say another Mass after the Mass for the people, in the presence of a corpse; but the same Pope Benedict XIV, in the Indult "Quod expensis, etc.," granted on August 26, 1748, in §. Nova, near the end, declared that this is no longer permitted today, since it is permissible for the priest to say a Mass for the deceased, and to transfer the Mass for the people to a day within the week. 428. — Note 6. If, while the Mass is being celebrated, the church is profaned, or an excommunicated person enters who, after being warned, refuses to leave, then the priest must dismiss the Mass before the consecration; afterwards, he should continue until the reception of the Eucharist, and then immediately leave. Finally, it should be noted that after the consecration, it is never permitted to interrupt the Mass, except to baptize, or to absolve a person who is about to die; so the Doctors commonly state (l. 6. n. 354.). §. III. Concerning the power of the priest. 429. — A priest, by the power of the order he has received, can only consecrate the Sacrament of the Eucharist, and also administer it, except for the Paschal Communion; for other sacraments, the power of jurisdiction is required. Therefore, he cannot baptize without the permission of the parish priest, nor administer Extreme Unction.

[*Latin ed. p. 64*]

He may not administer the Eucharist, nor assist at Marriages; and without the express or at least presumed permission of the Bishop, he may not,

Translated by churchlatin.ai, a product of Boyne Archives

except in cases of necessity, hear confessions, nor even those of venial or mortal sins, according to the decree of Innocent XI (see above, Book 6, n. 543), because it is stated in the Council of Trent that the reason for the judgment exercised in the administration of Penance requires that jurisdiction be exercised only over those who, by the permission of the Bishop, are subject to the priest.

430. We stated above (n. 35) that those who are to be ordained to the priesthood must have knowledge of at least those things which are commonly known for hearing the confession of a dying person. Therefore, it is important here to note a few of the more principal and necessary things.

To be noted: A simple priest may not absolve a sick person in the presence of an approved confessor, except in the following cases:

1. If the approved confessor is unable or unwilling to hear the confession.

2. If the approved confessor is excommunicated or suspended.

3. If the approved confessor is only approved in another diocese.

4. If the sick person so dreads confessing to him that he is in danger of concealing his sins.

5. If an approved confessor arrives after the confession has begun with a simple priest.

6. If the approved confessor is aware of the sick person's involvement in a shameful sin (as stated above, Book 6, n. 563).

To be noted: If the dying person requests absolution, or gives signs of repentance to the priest present, he must be absolutely absolved; but if he is without a confessor, and another is present who testifies that he requested a confessor, or showed signs of repentance, then some say that he can also be absolutely absolved; but it is safer, as we say, to absolve him conditionally. And we believe that he should be absolved conditionally, even if the dying person has given no sign; indeed, even if he is in the act of sin (see above, Book 6, n. 480 and following).

To be noted: A simple priest, in the absence of an approved confessor, can absolve the faithful from any sins and censures, not only in articulo mortis, but also in probable danger of death. It is considered to be in danger of death not only he who suffers from a disease that is immediately dangerous to life, but also he who undertakes a long voyage, or a woman who is in difficult labor; also, he who is in danger of becoming insane; moreover, he who is a captive among infidels, lacking hope of freedom, and without access to an approved confessor.

To be noted: A sick person who is absolved from reserved censures must be warned that, if he recovers, he is obligated to present himself to his superior, otherwise he will incur the same censures again; otherwise, if he is absolved only from sins reserved without censure.

Finally, it must be noted that every priest, in order to be suitable in times

Translated by churchlatin.ai, a product of Boyne Archives

of necessity to hear the confessions of the sick, must not be ignorant of at least the universal principles of moral science.

[*Latin ed. p. 65*]

§. IV. Concerning the office of teaching and preaching. 434. — Since it is also the duty of the priest to instruct the people and to preach the Gospel, it is worthwhile to note here what must be taught and how the Gospel should be explained. Regarding the former, it is necessary to teach four things essential for salvation, namely, faith, hope, charity, and good works. And 1. Regarding faith, because God, who is infallible truth, has revealed things to the Church, we are bound to know and believe explicitly that God exists and is the rewarder of those who seek Him; and the mystery of the Most Holy Trinity, and the Incarnation of the Son of God. These are necessary in the median sense. But concerning the precepts, everyone is also bound to know and believe the Our Father, the Angelic Salutation, the commandments of the Decalogue, and the precepts of the Church; also the Sacraments, especially those which all need, namely, Baptism, the Eucharist, and Penance, and others, at least when they are received. 2. Regarding hope, because God, who is Almighty, merciful, and faithful, has promised, through the merits of Jesus Christ, we are bound to hope for eternal blessedness from God, and the means of attaining it, namely, the forgiveness of sins, and final perseverance. 3. Regarding charity, because God is infinite goodness, we are bound to love Him above all things; and to this precept is added another precept of charity, namely, to love our neighbor as ourselves. 4. For attaining salvation itself, good works are also necessary, by observing the commandments of God and the Church, which are contained in the Decalogue and the precepts of the Church. 432. — But with regard to the second office of explaining the Gospel, or Scripture, it should be known that Scripture has two senses, the literal and the mystical: The literal sense is that which is signified by the very words. The mystical sense is that which is not signified by the words, but by the thing which the words signify, e.g., when it is said: "If thy eye scandalizeth thee, pluck it out, etc." Here, the cutting off of the eye is not commanded, but scandal or occasion. The mystical sense is divided into three others: 1. The allegorical, namely, pertaining to things to be believed. 2. The anagogical, pertaining to goods to be hoped for. 3. The tropological, pertaining to morals. Regularly, the words of Scripture should be taken in the literal sense, unless there is an absurdity, as when it is said: "The stone which the builders rejected is become the head stone," and similar passages. Often, the text of Scripture has both senses, the literal and the mystical. It often suits the mystical sense for priests to use it in their sermons, especially if it is tropological, or moral. It is also permissible to use, at times, the so-called accommodated sense,

Translated by churchlatin.ai, a product of Boyne Archives

provided it is done piously and prudently.

[*Latin ed. p. 67*]

A SUMMARY OF MORAL AND CANONICAL DOCTRINE, EXTRACTED FROM THE CONSTITUTIONS AND OTHER WORKS OF THE BLESSED MEMORY OF BENEDICT XIV, POPE, BY THE MOST ILLUSTRIOUS AND REVEREND JOHN DOMINIC MANSI, ARCHBISHOP OF LUGO, OF THE CONGREGATION OF THE MOST HOLY MOTHER OF GOD, ENHANCED AND CORRECTED BY THE AUTHOR WITH NUMEROUS ADDITIONS.

[*Latin ed. p. 68*]

TO THE READER. There are many things pertaining to Moral Theology and Canon Law, which Pope Benedict XIV, mindful of the needs of the lesser clergy, had scattered throughout his truly golden works, and which it is shameful for those who study moral science to ignore. But since not all can acquire or read all of those various works, it opportunely occurred to Father John Dominic Mansi, then of the Congregation of the Mother of God, and later Archbishop of Lugo, a most learned man; and not only in Italy, but throughout the entire literary world, renowned for his most excellent books, to compile a certain summary of the entire doctrine of moral and Canon Law extracted from the works of that Pope. Since it has been made clear to us how much the labor of this most learned man has been approved by all theologians, we have considered it a service to offer it to them, if we were to now, for the first time, have it printed by our presses, having been amended in several places by the same most illustrious Author, and illustrated with new additions. Therefore, receive it, kind reader, and do not scorn this public undertaking of ours. F.

[*Latin ed. p. 69*]

SUMMARY OF MORAL AND CANONICAL DOCTRINE FROM THE WORKS OF BENEDICT XIV.

Regular abbots, who do not have charge of any souls, are in no way obligated to attend a diocesan synod, as is stated in the decree of the Sacred Congregation concerning diocesan synods, book 3, chapter 1, paragraph 8, and again in book 12, chapter 4, paragraph 2 (4).

Abbots, priors, superiors, and those called by any other name; Cardinals also, who hold spiritual jurisdiction, as if they were bishops, in monasteries or churches with a separate territory, are obligated to swear, in the presence of another bishop or an apostolic nuncio or legate, at their choice; that they will personally and through themselves visit the sacred thresholds of the Apostles; and to report to the Roman Pontiff concerning their churches. Those who are from Italy or the islands of Italy are to do so every third year;

Translated by churchlatin.ai, a product of Boyne Archives

the others every fifth year from the day they took possession. However, if they are unable to do so in person due to a legitimate impediment, they are obligated to do so through messengers. This is stated in the Bull *Quod Sancta*, number VII. If, however, before the publication of this Bull, signed in the year 1740, on the ninth day before the Kalends of December, they had already taken possession of these churches, they are obligated, if they are in Italy and the islands, to send that report within a year; and if they are outside, within two years, from the date of the promulgation of the constitution; and then, each year thereafter, to present themselves. If they fail to do all of these things, they incur, from the moment of the omission, interdiction from the church and suspension from the administration of both spiritual and temporal affairs.

[*Latin ed. p. 70*]

Those are deprived of the fruits [of their property]: these fruits should be given to the nearest Bishop for sacred uses, at his discretion. Ibid. n. 9. ACTS OF FAITH. Acts of faith ought not to include merely whatever the Creed dictates in general, but also the explicit belief in those mysteries which they ought to know. Inst. Eccl. 72. ADVOCATE. Rescripts, and briefs granting permission to monks, even those of regular canons, to exercise the office of advocate, are never granted, which is in conformity with the canon. From your side, concerning requests. De Syn. Diæc. l. 43. c. 40. n. 42. To secular clergy, even those with benefices, the initial and sacred orders are granted, so that they may exercise advocacy in ecclesiastical tribunals, in notarial offices, and before a secular judge, when a case concerning themselves, or their Church, or unfortunate persons, is being considered. Although, in briefs, it is freely granted to a poor secular priest to freely handle civil and criminal cases, provided that he only defends the accused in criminal cases, and that he is permitted to exercise that office until he obtains certain ecclesiastical revenues sufficient for a proper livelihood, or a residential benefice. De Synod Diæces. l. 43. c. 40. n. 42. ALIENATION. Alienations of immovable property, and of valuable movable property, are also forbidden to those of regular observance, even those of special dignity, according to the decree of Urban VIII, dated September 7, 4624. However, these are to be understood concerning the incorporated goods of the Church. But those goods which are not incorporated and which must be alienated, such as the things left by the Reformed Fathers of St. Francis, cannot have their syndics proceed to their sale, unless with a prefixed edict, so that they may be sold to the one who offers the most. Thus, according to the decree of the Sacred Congregation of the Church. 49. n. 8. Alienations of even goods of lesser value, which are included in the chapter "Terrulas," must also be made by those of regular observance with the permission of the Bishop. Inst. Eccl. 69. n. 9. Those who alienate, and those who receive goods alienated against the law, incur excommunication reserved to the Pope. Ibid. n. 40.

Translated by churchlatin.ai, a product of Boyne Archives

However, those of regular observance, by this very act, incur the penalty of deprivation of office, according to the decree of Urban VIII, 16. Although, according to Canon 42, question 2, the Bishop has the right to...

[*Latin ed. p. 71*]

A new monastery is established within its own church, and it is granted one-fiftieth of the revenues of the church. However, the Bishop, upon its consecration, swears that he will not alienate any possessions belonging to the church. Hence, the Holy See has rightly declared that such alienation is forbidden to the Bishop, as well as any other alienation. *De Synod. Diæces. l. 42. n. 43.*

To priests of the Latin rite residing in Reu, it is granted that, if consecrated stone altars are lacking, they may celebrate Mass upon the *antimension* of the United Ruthenians. However, it is prescribed to them that they perform the sacred rites according to the Latin rite. There are certain *antimension* cloths consecrated by the episcopal blessing, within whose corners the relics of the Saints are hidden. *Constit. Imposito nobis.*

A privileged altar. In the briefs concerning a privileged altar, the number of Masses to be celebrated daily in the church is usually defined. However, the Holy See declared on September 11, 1694, that if, on certain days, this number of Masses cannot be fulfilled, it is not sufficient if, more frequently during the week, the number of Masses required by that privilege is not celebrated. This decree was approved by Innocent XII, from which it follows that the defined number of Masses must be celebrated each day. *Instit. Eccles. 56. n. 46.*

Concerning indulgences granted to an altar with a defined number of Masses, if it should happen during Advent and Lent that the required number cannot be fulfilled in the churches of the Regular clergy, the indulgences remain suspended. On the other days of the year, if this should happen rarely, they do not remain suspended, nor do they remain suspended if, due to the infirmity of priests, whether secular or Regular, this happens rarely. Thus, the Holy Congregation decreed on July 30, 1706. *Bid. n. 47.*

Appeals. All appeals and inhibitions, by which the execution is delayed or the process is impeded in those matters whose execution has been entrusted to the local Ordinaries by the Council of Trent or by apostolic constitutions, are to be rejected by the tribunals, provided that they are accompanied by the clause that they will not be received due to a subsequent appeal or inhibition. The Pope established this in the Bull *Ad militantis*. These appeals and inhibitions, if granted, are null and void, besides violating this established rule. *Ibid. n. 38.*

However, certain cases may occur that are to be excused from this rule. In such cases, it is forbidden to issue warnings or citations, unless the circumstances pertaining to this matter have first been brought to the attention of

Translated by churchlatin.ai, a product of Boyne Archives

the supplicating party.

[*Latin ed. p. 72*]

The particular circumstance should be clearly explained with some document that at least verifies the same circumstance. Ibid. n. 39. ASPERSORIUM. When the Bishop enters a collegiate church, the aspersorium should be offered to him, not by the Archdeacon, or others of the chapter, but by the most distinguished member of that church. If, however, the Bishop, with his cathedral chapter, wearing canonical garments, proceeds to a church within his diocese, it should be offered to him by the most distinguished member of the cathedral chapter. Instit. Eccles. 405. n. 128. from the Decree of the Sacred Congregation of Rites. BAPTISM. Baptism should be conferred upon newborn infants as soon as possible, and those who delay it for a long time sin gravely: however, a fixed time is not prescribed, and by a broad decree, it was ordered in Rome in the year 1723 that the infant be baptized within three days. Inst. Eccles. 98. n. 3. It is not permitted without necessity to confer baptism in private homes. Inst. Eccles. 98. n. 9. Nothing invalidates the validity of Baptism due to a private error of the baptizer, provided that nothing is innovated in the matter and form. De Synod. Diœc. 1. 7. c. 6. n. 9. An infant, whose body has not yet emerged from the mother's womb, but which is about to emerge from the maternal womb after the womb has been opened, and is feared to be dying, should be baptized with water using some instrument; but it must be baptized conditionally. De Synod. Diœces. 1. 7. c. 5. n. 6. If, however, only a part of the infant's body has emerged, and not the head, it should be baptized conditionally on that part, whatever it may be, as the Roman Ritual prescribes; (although many theologians hold that if that part is one of the principal ones, such as the chest, shoulders, arms, etc., it should be baptized again conditionally on the head, if the entire body has emerged). If, however, only the head has been seen, it should be absolutely baptized. Ibid. n. 7. Baptism with a condition attached is not conferred without a mortal sin, unless a prudent reason for doubt exists as to whether a valid baptism has already been conferred. Ib. c. 6. n. 3. If only one witness affirms that baptism was administered, such as a midwife, and she testifies about the fact itself, this alone is not sufficient to require the Sacrament to be repeated; provided that, when questioned, she demonstrates that she knows the matter and form of this Sacrament. The same applies in places where midwives are usually taught about the proper manner of administering baptism before they are admitted to that office. Ibid. n. 4.

[*Latin ed. p. 73*]

A single witness, even if a woman, is sufficient to prove the Baptism. Canon 1, and Canon "Concerning the young," and Canon "But if," Dist. 4. Inst. Eccles. 98. n. 43. However, if the testimony is from an uncertain

Translated by churchlatin.ai, a product of Boyne Archives

person, in a matter so grave, we cannot proceed with unknown testimony; therefore, the infant must be rebaptized, under the condition that, even if he carries a certificate of having received Baptism suspended from his neck, as is stated in the hospital of St. Spirit in Saxia near the City, the Sacred Congregation of Councils responded on January 45, 1724, in "De Synod. Diæces. lib. 7. c. 6. n. 5." If, however, the matter concerns those baptized by heretics who seek to come to the Roman faith, then it is necessary to investigate whether anything has been altered in that heretical sect concerning the matter and form of Baptism. If nothing certain results from this investigation, then, as in a doubt, Baptism must be administered. This doubt is a reasonable one concerning the Baptism of the heretics of Holland, among whom it was customary for one to pour the water, and the other to pronounce the formula. Therefore, even now, as in a doubtful case, it must be treated as with those heretics, just as with the heretics of England, as established by Sylvius and others. Ibid. n. 8. The irregularity resulting from the repetition of Baptism is incurred even if Baptism is administered without a prudent doubt, under the condition, as is more probably deduced from the Roman Catechism. Instit. Eccles. 84. n. 48. It is generally agreed that this penalty affects the baptizer as well as the baptized. Just as those affected are not only forbidden from ascending to higher orders, but are also excluded from the exercise of orders already received, so the opinion that is more consistent with the authority of the Roman Catechism is preferred over the one that denies this. Ibid. n. 48. It is permissible to admit a Hebrew infant to Baptism, requested by a Christian grandmother, even if the Hebrew mother objects, and the testamentary guardians object, as the Pope states in a letter to the Most Reverend Jerome Guglielmi, assessor of the Congregation of the Holy Office, because the grandmother can be included under the appellation of parents, and the favor of religion easily prevails over the mother, and other testamentary guardians: just as a Christian mother requesting Baptism for her son prevails over an unbelieving father who objects; and if any doubt remains, in doubt, favor religion. You have this letter in the Bullarium of Benedict XIV. It is licitly permissible to baptize non-believers without the consent of parents or guardians, unless they are at the point of death, or have been abandoned as if by their parents. If, however, someone takes the abandoned child to be baptized, he can administer the saving laver, even if the synagogue or parents object. If, however, an unbelieving father offers his child, and then repents of his actions, and does not wish to be baptized, then the child, before the use of reason, must be baptized; but those who are of age, must be examined to see if they wish to be catechumens.

[*Latin ed. p. 74*]

Finally, if any children are baptized even against the will of their parents, then he who baptized has committed a grave sin, but the baptized

Translated by churchlatin.ai, a product of Boyne Archives

child should not be returned to the parents; rather, he should be raised by Christians. Furthermore, in that case, the baptism is considered valid even with a single, suitable witness, even if that witness is a woman, or even if it is the one who administered the baptism, in which case the child is not to be rebaptized under any condition. This pertains to children before the use of reason; however, those who are capable of reason, as is commonly the case after the age of seven, if they spontaneously desire baptism, they can be baptized; this is true, even if it is not certain, but there is doubt about their capacity for reason after the age of seven. If, however, this doubt precedes the age of seven, then the child should be kept among Christians, with baptism postponed until a certain use of reason becomes evident. If adults lack the intention of receiving baptism, so that they did not have it either through the act itself or beforehand, then the baptism is invalid. It is valid, however, if it was present beforehand, and was never subsequently revoked. If, on the other hand, there is no will in the recipient, then the judgment should be inclined towards the opinion that declares the baptism invalid. If, after baptism, the neophyte affirms that he lacked a sufficient intention, and does not provide suitable proof of his statement, he should be retained and baptized again under condition. Conversely, if he provides such proof, and refuses to be baptized again, he should be dismissed. All of this is extensively discussed by the Pope in the Letter to the Vicar General, in the Last Month. If a pregnant woman dies, the Bishop can order that the child be extracted from the womb by Caesarean section, if the child is believed to be alive, in order that the sacred sacrament of baptism be conferred. For it is not impossible that the child be extracted alive. (From *De Syn. Diæces.*, book 41, chapter 7, paragraph 43). The Bishop is not obligated to administer baptism to those afflicted by the plague, as he is, in a sense, the universal cause, which operates not through himself, but through particulars, that is, through the parish priests; unless, however, another is present who can perform this task. (From *De Syn. Diæces.*, book 43, chapter 49, paragraph 6). When administering baptism, Greek priests may use the form in their own Euchology in place of the Latin form: "Baptizatur servus Dei N. in nomine, etc.," and they may also use the triple immersion or aspersion with all the unctions, with respect to the baptized, unless there is a contrary custom. However, Greek priests are forbidden to anoint their baptized with chrism on the forehead. Conversely, it is permissible to use warm water in baptism, and it is permissible for Greek parish priests to baptize their parishioners with water that has been blessed by them in the Greek manner. Furthermore, they are forbidden to administer communion under both species or under one species to baptized children, nor are they to offer the Eucharist to these same children in the Mass.

[*Latin ed. p. 75*]

To the children of a Latin father and a Greek mother, baptism shall be

Translated by churchlatin.ai, a product of Boyne Archives

conferred according to the Latin rite. However, if the father is Greek and the mother is Latin, it is permissible for the father to choose the rite. Those who are to be baptized according to the Greek rite are under the jurisdiction of the Greek parish priest, and they cannot, without a dispensation from the Apostolic See, pass to the Latin rite. Conversely, a Greek, with the permission of the Latin bishop, may pass to the Latin rite. However, those who are clerics, even in minor orders, may not pass from the Greek rite to the Latin rite without permission. It is permitted for Greek priests, after the consecration has already been performed, and before the Communion, to pour their warm water into the sacred chalice. It is not permitted for Greek priests to reserve the Sacrament of the Eucharist throughout the entire year. It is not permitted for Greeks residing in Italy and the islands to retain a particle of the Eucharist suspended around the neck, or in private homes. These matters concerning what must be diligently observed by the Greeks in the performance and reception of the sacraments are followed by Pope Benedict XIV in the same Bull, *Etsi Pastoralis*, of which some parts have also been excerpted by us here and distributed throughout the various sections. In the Bull *Quam provinciale*, the Pope commands that the canon of the Third Provincial Council be observed, by which it is decreed that to those faithful who live under the Mahometan dominion, Turkish or Mahometan names should not be imposed during baptism, nor should such names be given to them even outside of baptism, in whatever way this may be done.

BARBERS. In a diocese where there is a custom of practicing the art of barbering even on a feast day, it may be permitted; but only on certain days, and not on all days. *Instit. Eccles. 43*, throughout. However, it is a servile occupation, and is only to be tolerated by custom. *Ibid. n. 2*.

BLESSING. Whether the blessing of sacred vestments can be entrusted by a simple bishop to a priest is a question that is twofold among the writers. However, bishops often request this faculty from the Congregation. *Inst. Eccl. 24, n. 9 and 10*. Whether the *cingulum* (girdle), the *pluviale* (cope), and the sacred pyx should be blessed is a question among the Doctors. However, the opinion that a blessing is required is considered more probable, since there is a special blessing for the pyx in the Ritual. *Ibid. n. 42*. If a new garment of a different form is made from an old sacred vestment...

[*Latin ed. p. 76*]

It is arranged as if from a row, a group, etc. The blessing must be repeated. Ibid. Titular bishops have no right to consecrate sacred vessels with the sacred chrism, because when the use of the Pontifical is required, they are not permitted to use these in another diocese. Ibid., n. 45. Abbots regular were denied the ability to bless bells and chalices for the use of other churches (since they can do so for their own), by Alexander VII in his

Translated by churchlatin.ai, a product of Boyne Archives

decree of September 27, 1659. Regarding whether abbots could bless sacred vestments for other churches, having obtained an Apostolic Indult, the Sacred Congregation responded that the authentic Indult must be presented, taken from the Apostolic Archives, and that they should abstain in the meantime. Ibid., n. 49. The blessings and dedications of bells with the capitulars of Charles the Great are very ancient; Inst. Eccl. 47, n. 30, and we learn that they have retained the name of the saint to whom they are dedicated, from Alcuin. Inst. Eccl. 47, n. 32. The blessings of bells are approved for driving away storms, and it is asserted that this cannot be attributed to the sound produced by the bell. Ibid., § 37. Only the bishop has the right to bless bells, when the sacred unction is to be applied, and he cannot delegate this power to another. Ibid., n. 38. According to the Roman Pontifical, bells of churches must be blessed. Ibid. The bishop can suspend the ringing of bells that have not been blessed by a bishop, as stated in the decrees of the Sacred Congregation. Ibid. A formula is provided in the Pontifical for the blessing of horses and other animals on the feast day of Saint Anthony the Abbot. Inst. Eccl. 47, n. 42. Blessings are also provided for springs and insects. Ibid., n. 20. It is approved that blessings, even when accompanied by relics, are not to be disapproved of, whatever may be said about the name, as is also received in Rome. Ibid., n. 26. In the Pontifical blessing over the people, which is granted several times a year according to certain regulations by privilege, only one sign of the cross must be made in the manner of a priest, not three in the manner of a bishop. Encycl. Exemplis. Pope Benedict XIV, in his Encyclical to all bishops, PIA MATER, etc., extends the faculty of blessing the dying with plenary indulgences, which the pastors of churches have obtained with letters in the form of a brief for three years, for the entire period during which they remain in that diocese, and subsequently he declares that these faculties should be granted in this way, and that they should also be common to lower prelates who have a separate territory, without any distinction, and with active jurisdiction over the people and clergy. He grants the power to delegate these things, so that even if they are somehow hindered, they may be able to perform this blessing even during the day.

[*Latin ed. p. 77*]

The granting of dispensations is to be done through delegates. This delegation should be primarily through the diocese, so that it can benefit everyone; and this delegation does not expire with the departure of the delegating bishop, but continues until the arrival of a new prelate, who has the power to confirm or revoke it. Therefore, the new prelate should request the same authority from the Pontiff, but not the delegates themselves, because the delegation from the previous bishop remains with them; thus, the Pontiff. Ibid. However, if a prelate is transferred from one diocese to another, he needs a new authorization, because the previous one was granted with

Translated by churchlatin.ai, a product of Boyne Archives

regard to the preceding diocese. The rite for conferring this blessing is described in the same Encyclical. Three blessings are conferred upon abbots regular, according to the decrees of Alexander VII, at solemn Masses, Vespers, and Matins. In private Masses, nothing is granted to them above other priests. From the same decrees. *Instit. Eccles.* 34, n. 49. BENEFICE. If someone establishes a benefice from their own goods by a pact, so that they themselves may enjoy it as a beneficiary, then after their death, the right of patronage passes to the heirs, although this is considered simoniacal by many; however, it can be considered free from this fault, because there does not appear to be a sufficient distinction between one who establishes a benefice by a pact, so that it is conferred upon his son, etc., and one who wishes it to be conferred upon himself; in both cases, a pact is present, as stated by Pitonio. *Instit. Eccles.* 95, n. 7. If someone offers goods to increase an already established benefice, but does not thereby acquire the right of patronage, then they cannot stipulate that the benefice be conferred upon them, as stated in Chapter *Tua nos*, on simony. Ibid., n. 12. The patron cannot present himself for the benefice, as stated in Chapter *Per nostras*, on the right of patronage, but he can request the bishop that, if he is found worthy, the benefice be conferred upon him; or he must freely give the right of patronage to another by a sincere donation, from which he will be forever excluded from the right of patronage, when the bishop approves the donation, or at least the bishop confers the benefice upon the same person without prior presentation, and the beneficiary accepts it, then after the conferral, he must give his consent. *Instit. Eccles.* 95, n. 5. Those who resign a benefice under a pension, if they secretly make a pact with the resignee regarding the cession of the pension to them, or the right to demand the fruits of the same pension, for a sum of money paid in advance, this pact is declared void and null. Furthermore, the resignee and the one who resigns are deprived of all rights to the benefice by this very act, without any declaration by a judge, and the money paid must be returned under a grave sin, which is to be enforced by the Ordinary for pious purposes. The same penalties apply to these same pacts made within six months.

[*Latin ed. p. 78*]

From the day received through a resignation of the possession of the benefice. Bull. In sublimi. In the Bull, Ecclesiastical Ministries, the Pontiff mandates in cases of resignation of benefices, that those who have resigned benefices in the hands of the Pontiff, and those admitted by Him, and, in turn, those admitted to provisions and dispositions concerning them, shall complete the letters of grace within six months, so that within those same months possession of the benefice shall be taken by the new appointee; but if those benefices are beyond the mountains, this term shall be extended until nine months from the date of the granting of the grace are counted.

Translated by churchlatin.ai, a product of Boyne Archives

Where, however, some extension is requested for just causes, it is permitted, after prior notification to the official sub-secretary of apostolic letters dispatched, to grant the extension for the first and second time; all further extensions are prohibited. And if a legitimate impediment persisting is proven to the Datary, it is permissible for the Datary to grant as many further extensions as are necessary to remove the impediment, for the execution of the apostolic letters. Once the impediment has been removed, if, nevertheless, the execution of the letters is still delayed, then that apostolic grace is considered null and void. If the holder of a benefice enters a religious order, the benefice is not vacant except through profession; during that intermediate time between entrance and profession, with regard to benefices held, the Bishop must act as he would if a parish priest were detained by some impediment. With regard to choral benefices, those who leave for a religious life relinquish the fruits of their benefice; the distribution of these fruits shall be determined according to the laws. If, perhaps, the one about to enter a religious order were to relinquish his benefice, that renunciation may be accepted by the Bishop according to canon 58 of the Decrees of the Fifth Council of Lateran, or he may make that renunciation in the presence of the superiors according to canon 16, session 25 of the Council of Trent concerning regulations. Nevertheless, those benefices must remain in suspense, and the Bishop may not grant them to another, unless after the renouncing party has made a solemn profession. Thus, in the letters to Cardinal Quirin, Ex quo dilectus. It is also forbidden to holders of benefices, under penalty of excommunication incurred by the very act, and nullity of acts, to sell, and to dispose of, the revenues of their benefices for life, or for a long time, receiving from the buyer by one or more payments of money, the amount of which the holders of the benefices could probably have obtained during the same period, or for the whole of their lives. Bulla Universalis Ecclesiæ. It is permissible for the Major Penitentiary to validate titles of benefices with hidden incapacity, or some other hidden defect, or even in cases of badly intending competitors, Bulla Pastor bonus; but in the validation of titles, and the remission of fruits, he must abstain from doing so with Bishops who have been appointed to cathedral churches, and who have not accepted the office of consecration within the prescribed time. Ibid. §. 21. Nor may they remit the fruits of benefices, and episcopal churches.

[*Latin ed. p. 79*]

In any case, if the tithes are received improperly, in cases that are not concealed. But in cases that are concealed, agreements can be made with Italians, Spaniards, Portuguese, and the adjacent islands; with all others, no such agreements can be made. However, all of this must be done without prejudice to those to whom the distributions should be increased. Ibid. §. 24. If someone already holds a benefice, and is unjustly harassed by

Translated by churchlatin.ai, a product of Boyne Archives

another, he can redeem the unjust harassment with money, as all canonists affirm. Inst. Eccl. 93. n. 4. But if someone has a right to a benefice, and is brought to litigation by another, he cannot give money to the litigant so that he will desist, nor can he, under the title of paying expenses incurred in the lawsuit up to this point, because then he would be paving the way for himself to obtain the benefice through money. Ibid. n. 7. To someone who rightfully and manifestly holds a benefice, so that there is no room for question, it is permitted to redeem unjust harassment, as is stated in chapter *Dilectus* 27, concerning simony; and this can be done without the intervention of the Bishop's authority. However, it is permissible for the Bishop to decree in a synod that this not be done without his consent, due to the danger of simony. Concerning the diocesan synod, book 42, chapter 6, n. 9. If the votes for the presentation of benefices are divided equally, the one who is chosen by the majority is to be preferred, as is defined in chapter *Quoniam*, concerning the right of patronage. However, if the one presented by the majority is not found to be suitable, another can be presented by the minority, as is stated in Lambertine, concerning the diocesan synod, book 42, chapter 7, n. 6. However, the synodal constitution of the Bishop of Pamplona, which forbade the admission of one presented by the minority, is considered valid, for reasons weighed in the treatise on the diocesan synod, book 42, chapter 7, n. 6. If someone obtains a simple benefice, and it is not sufficient for honest sustenance, he can be authorized by the Bishop to accept another. But if even this second is not sufficient to obtain a third, he must obtain a dispensation from the Apostolic See, whether this third benefice is of free collation, or of the right of patronage, even if it is held by a layperson; for the Council of Trent permitted that someone holding an insufficient benefice could obtain another simple benefice, and it says nothing about a third. And so it is held in practice by the Sacred Congregation. Inst. Eccles. 91. n. 7. However, this does not apply to chaplaincies of the right of patronage of laypeople, nor to pious legacies, as is stated in another decree of the Sacred Congregation. Ibid. n. 8. From another decree of the Sacred Congregation, which is mentioned there, it is deduced that those who, in good faith, have obtained three, or even four, insufficient benefices by the authority of the Bishop, should not be disturbed. Ibid. When a benefice has been resigned into the hands of the Bishop, or the bestower, those in authority cannot provide for the same benefices for their relatives by blood, relatives by affinity, or family members, as is stated in Bull 68 of St. Pius V. Ibid. n. 9.

[*Latin ed. p. 80*]

Neither relatives, blood relations, nor family members of the resigning party ought to be admitted, even when a benefice is to be conferred in competition; firstly, because the Bull of St. Pius, which reads "Admitting blood relations," is erroneously cited, when it ought to be read "Dismissing blood

Translated by churchlatin.ai, a product of Boyne Archives

relations," as Fagnan notes in chapter "Non sine," concerning arbitrators. Secondly, because the Sacred Congregation has decreed that, in that case, neither relatives of the Bishop, nor blood relations of the resigning party, should be admitted. Ibid., number 14. Concerning Diocesan Synods, book 1, chapter 43, number 24, paragraph 2. However, all of these individuals can rightly be admitted to the benefice, when it falls into the hands of the Bishop through the death of the previous holder; for the harm that can be feared, when a benefice is to be conferred from the death of the previous holder, is less than that which can arise, when it is to be given from the resignation of the previous holder. Thus, concerning Diocesan Synods, ibid., number 6, from the decree of the Sacred Congregation, concerning the custom of the Churches, whereby the heirs of a deceased benefice holder are to receive the fruits of the first year obtained from the benefice; for nothing detracts from the right of him who newly enters upon the benefice, since he, too, after the death of the previous holder, enjoys this same right. Therefore, in favor of this custom, it has often been decided by the Sacred Congregation. Concerning Diocesan Synods, book 42, chapter 7, number 3. The Pontiff declares in the Bull "Oneroso," etc., that regular canons of the Prémontré order can hold parochial benefices and vicarages, both secular and regular, even without an Apostolic dispensation. Concerning illegitimate sons of clerics regarding benefices held by their parents in the same Church, who may and who may not, etc. See Irregularity. A legitimate son is prohibited from inheriting a benefice previously held by his father, for it would be a species of hereditary succession. However, nothing prevents the father from obtaining a benefice previously held by his son. This is also true regarding the father with respect to a benefice obtained from an illegitimate son, as evidenced by the response of the Sacred Congregation, concerning the Diocesan Synod, book 43, chapter 24, number 45. However, illegitimate sons are considered to be in the same position as those who were later legitimized, but not those who are legitimized after a subsequent marriage, partly from the decrees of the Sacred Congregation, and partly from Fagnan. Ibid., number 45. But is it permissible for a son to obtain a benefice which his father held, but which passed to a third party, and from that third party to the same son? It is answered that this is not prohibited to a legitimate son, from chapter "Ad extirpandas de fil. Presb."; but it is not permitted to illegitimate sons, as evidenced by the Bull of Clement VII and the responses of the Sacred Congregation. Ibid., number 48. However, a legitimate grandson, born of an illegitimate father, is not prohibited from obtaining his grandfather's benefice, even while the grandfather is still living, as evidenced by the responses of the Sacred Congregation, and the Rotali decision. Ibid., number 49.

[*Latin ed. p. 81*]

If the patron of a benefice murders its holder, he, and all those who

Translated by churchlatin.ai, a product of Boyne Archives

have a right to the patronage, lose it, as stated in chapter "On Penalties." Ibid., number 24. The exchange of benefices, which takes place before the Ordinary, can sometimes be prohibited by the Constitution of St. Pius V, beginning with the words "Officium," in which such exchanges are permitted, but only those that are in accordance with canonical regulations. Consequently, it is held that exchanges of benefices made in favor of relatives and family members of the Bishop are prohibited, just as the resignation of a benefice is prohibited in such cases; likewise, exchanges of benefices are also considered prohibited when someone exchanges a rich benefice for a poor one, and the former is already of advanced age, while the latter is obtained either from his own family or from relatives of the Bishop; for it is scarcely believable that such an exchange would not involve fraud, and therefore it is not in accordance with canonical regulations. From the Decrees of the Diocesan Synod, book 13, chapter 24, number 40. Benefices obtained from Cardinals of the Holy Roman Church, as ordinary collators, in months reserved to the Holy See, and exceeding the value of 24 ducats of the Camera, must, within the time prescribed in the Registry, obtain a new appointment from the Apostolic See, after paying the customary fees to the Ordinary, notwithstanding any privilege to the contrary. By the decree of Pope Benedict XIV, in the Bull "CRUCIATÆ." The faculty granted in the Bull "CRUCIATÆ" for obtaining absolution from censures, is valid only for the internal forum, as is stated in the Constitution of Urban VIII; therefore, Spanish Constitutions that state otherwise are to be rejected. From the Decrees of the Diocesan Synod, book 42, chapter 4, number 7. CORPSE. In the section on the dissection of corpses for the purpose of learning anatomy, if someone uses corpses that have not been condemned, without obtaining permission from the Bishop, he indeed sins gravely, but does not incur excommunication, as stated by Boniface VIII, in chapter 1, on burials, number 6, because that pertains only to those who exhume corpses, mutilate them, and transfer them for burial elsewhere. Thus, according to the Doctors, Institutes of the Church, 74, number 40. If a corpse is to be carried to burial in a procession, with a cross preceding, and the passage is made through a field or private property, it does not therefore make that way a public way; for the civil laws, from which this could be inferred, intend nothing other than that a monument placed in a private place makes that place sacred; and those laws are also abolished by canon law, as the Doctors demonstrate. Institutes of the Church, 89, number 9. If a corpse is to be buried in the church of a regular canon, it cannot be...

[*Latin ed. p. 82*]

It is required that the body be first brought to the parish church, and there exposed, and then lowered into the grave in the church of the regular canons, as the Sacred Congregation of the Council has decreed in *Inst. Eccles.*, n. 25. From the decrees of the Sacred Congregation, it is affirmed

Translated by churchlatin.ai, a product of Boyne Archives

that the body must not be removed from the house without the presence, and with the permission, of the parish priest of the place where the house is located. Ibid. When the church that buries the dead is distinguished from the parish church, the funeral procession must proceed under the cross of the burying church, and it is not permitted by established custom for the parish priest to carry his own cross, unless in the case where the chapter of the cathedral intervenes; then only the cross of the cathedral precedes. Thus, from the decrees of the Sacred Congregation. Ibid., n. 26. Societies accompanying the funeral procession, if they proceed with a pall, must stand before the coffin, and before the clergy, both secular and regular; if without a pall, they must go behind the coffin, as stated in the statutes of the Roman clergy. Ibid., n. 30, 31. Lay members of religious orders should not appear with chaplains in the funeral procession, as is affirmed by many. Ibid., n. 32. However, if a religious community is invited, which certainly consists of lay members, converts, and priests, they are not to be excluded. Ibid. Religious are not obliged to associate the funeral procession with the body that is to be buried in their church, but they may wait at the doors of their church. Thus, from the decrees of the Sacred Congregation. Ibid., n. 38. If a resident of the city dies in the countryside, and the burial is not to be in a rural church, the body must be buried not in the rural church, but in his own parish, or in the church where the burial place of his ancestors is located, as decided in chapter 6, concerning burials, provided that this can be done without serious inconvenience. A serious inconvenience is declared to occur when the death happens in a place more than three miles distant from the parish. This, however, must be determined by analogy for one who, living in the countryside, dies in the city. Ibid., n. 46. When the body is being transported from the countryside to the city, it must be carried in a hearse preceding the cross carried by the clergy, and accompanied by two priests, one from the burying church, and the other representing the parish priest of the place where the death occurred. Ibid., n. 46. Upon the removal, or entry, of the body through the gates of the city, a small toll must be paid, as stated in the documents. Ibid., n. 46. For the passage of the funeral procession from one parish to another, no permission is required from the parish priest of the place through which the passage must take place, as is affirmed by the Bull of Leo X, 22, and the decrees of the Sacred Congregation. Ibid., n. 49. Nothing can be demanded for the burial and funeral rites of the body, as is affirmed by the sacred canons. *Instut. Eccles.*, 105, n. 58. However, if a custom has prevailed that something be given, although there is no legal action regarding this.

[*Latin ed. p. 83*]

ria, nevertheless, recourse may be had to the office of the Ordinary, as is stated in the text, chapter "Ad aures" 24, concerning simony. Ibid., note 58. BLINDNESS. A blind man does not obtain a dispensation, neither for

Translated by churchlatin.ai, a product of Boyne Archives

the first tonsure, in order to obtain an ecclesiastical benefice, as is evident from the Decree of the Holy Congregation, in Pamplona, on March 28, 4735. *Inst. Eccles.* 34, note 5. However, if a priest who has already been ordained happens to lose the sight of his eyes, so that he sees nothing, the Holy Congregation grants him the faculty to celebrate, on feast days and double feasts, a votive Mass of the Blessed Virgin, and on weekdays, a Mass for the Dead, provided that he does not recite everything by memory; moreover, it commands the Bishops to completely forbid the celebration if they discover that the priest has become completely blind. Ibid. EXCHANGE (CAMBIUM). A local exchange, and an exchange by letters, when the letters are truly sent, or when money is transmitted in another place in the manner described by theologians, is permitted by the Pope in the treatise on Synodal Decrees, book 40, chapter 5, note 7. However, an oblique exchange, in which a usurer obligates himself to trade in exchanges for only as much money as he received on loan from the usurer, to the advantage of the usurer, or in which he gives the usurer the power to receive, either from himself or from another, only as much money as has been lent to him; I say, he receives it through the contract of the exchange; and meanwhile, the usurer obligates himself to pay as much as is necessary according to the terms of this second exchange: this exchange, although disapproved of by some, and perhaps it could be maintained in a secular court, is nevertheless to be disapproved of in conscience. Ibid., note 9. Furthermore, sometimes the usurer undertakes the burden of trading through an exchange for only as much money as he received from the usurer in the name of a loan; then whatever profit he makes, or can make, in this exchange, made in the name of the lender, he pays; and this payment must also be made, even if this exchange transaction has not actually taken place, because it was in the usurer's interest that it should take place. This, too, is clearly and absolutely disapproved of by the Pope. Ibid. All these exchanges, although in themselves, at least with regard to some of them, are permissible to laymen, are forbidden to clerics, as the canons demonstrate and prove with great consensus. *De Syn. dicæ*, book 40, chapter 6, note 4.

[*Latin ed. p. 84*]

CANONICAL REGULARS. Canonical regulars, although they are capable of receiving simple benefices from the text of chapter [referring to a chapter concerning the fear of God, regarding the state of monks], are not, however, capable of receiving benefices simpliciter, as is affirmed by numerous decrees of the Holy Council, approved by Gregory XIII. *Institutes of the Church*, 97, n. 2. Nor are they capable of receiving residential benefices that are not parochial, as is understood by many canonists. Ibid., n. 5. Nor can they receive lay parishes with only the license of the abbot general, but the authority of the Supreme Pontiff is required. Ibid., n. 5. Canonical regulars cannot, by the sole authority of a superior, or abbot

Translated by churchlatin.ai, a product of Boyne Archives

general, assume and exercise the care of souls in secular churches; nor can they obtain canonries, prebends, dignities, or other offices or residential benefices in secular churches, and for this reason, they must leave their religious houses. They are also incapable of receiving ecclesiastical benefices, whether simple or residential, as well as ecclesiastical pensions. Thus, in the Bull *Quod Inscrutabili*. Therefore, they require the authority of the Apostolic See to obtain these. If, however, they have obtained some simple benefice with the authority of the Apostolic See, it does not follow that they have the right to leave their religious house. It is understood that what is stated here applies equally to the canons of the Most Holy Savior. If anyone from among them is nominated to a benefice ecclesiastical, which has the care of souls attached to it, outside the consent of the patron of the benefice, this nomination must be made with an express reservation of the Apostolic approval. Furthermore, the nomination must be accepted by the one nominated with a clause regarding the obtaining of the approval of his superior general. What is to be observed with regard to these matters, I have noted in the word "Concursus." Ibid. In the same Bull, Benedict declares that these canons, who have been provided with a residential benefice, are absolved from the obligation of wearing the habit of their order. However, he notes that they are not therefore exempt from the obligation of observing the vows that can be joined with their new state. Since the pastoral care and a canonry are incompatible with the actual obedience that must be rendered to a regular superior, he declares in n. 27 that they cannot be compelled by these superiors to return to the cloister; however, the Bishop to whom they are subject may, for a legitimate reason, deprive them of that benefice by sentence, or declare them perpetually suspended due to incapacity. Then, he declares that they are obliged to return to the cloister, as in n. 28, which obliges the same beneficiaries to return if they renounce the benefice. Furthermore, n. 28 states that, even if they have a coadjutor, or have obtained a dispensation, they are nevertheless obliged to remain in the place of the parish or canonry; therefore, they are not obliged to return to the cloister in that case.

[*Latin ed. p. 85*]

CANONICAL. Cathedral canons who do not recite the profession of faith as prescribed by the Holy Council of Trent do not fulfill their obligations; however, they fulfill the obligations of their prebends, but not those of distributions, as has often been answered by the Holy Congregation of the Council. It is not required to incur this penalty that a declaratory sentence be issued, as is affirmed by the Synod of Farfa. The profession of faith to be recited by the canons is prescribed by the Constitution of Pius IV, and it obligates only the canons of cathedrals, but not those of other collegiate churches. This profession of faith must be performed personally, and not through a proxy, as is stated in the decree of the Holy Congregation,

Translated by churchlatin.ai, a product of Boyne Archives

cited above. It is so true that if someone residing in Rome obtains the faculty to recite this profession before the Cardinal Vicar, he is obligated to repeat it before the Ordinary upon arriving at his place of residence, as is customary in such cases. The canons and beneficiaries are bound by ecclesiastical law to recite the Divine Office, with this distinction: beneficiaries can fulfill this duty anywhere, while canons of cathedrals, or collegiate churches, are bound to perform it in the choir. The canons are bound to recite the Divine Psalms in the choir, joining themselves to the choir, and it is not sufficient if they merely assist; otherwise, they do not fulfill their obligations, unless there is a presumed Apostolic privilege that has not been revoked. Thus, in the Encyclical addressed to the Bishops of Italy, *Cum Semper*. They are not only bound to assist, but also to recite aloud, and to associate their singing with the canonical hours, notwithstanding any contrary custom, as is evident from the decree of the Holy Council of Trent, Session 24, Chapter 42, on reform. Therefore, the canons, and others attached to the choir, are bound to learn the Gregorian chant, as is demonstrated in the document presented by the Holy Congregation in the case of Muro Lucano, on November 4, 1735, by the secretary of that Congregation. In the Council of Trent, it was decreed that all should perform the Divine Office themselves, and not through substitutes; but, as the Holy Congregation judged, the capitulars are not deprived of the faculty of substituting for each other, provided that the substitute and the substituted are both assigned to the same service. However, care must be taken that these substitutions are not too frequent. Those canons who reside outside the city, or in the suburbs, cannot use this faculty. Nor can it be used by coadjutors, but only by canons or mansionaries, as is evident from several decrees of the Holy Congregation. If the choir of the Church is inconvenient, for example, during the winter,

[*Latin ed. p. 86*]

It is permissible to adapt this duty by assigning to them a chapel within the same church, as stated in the decree of the Holy See, ibid., no. 49. Regarding the recitation of the Hours, the following principle is given precedence: those who, during the Hours, indulge in games, laughter, and jests, and other such things, and engage in conversations in the choir, are guilty of a grave sin and are subject to restitution. Ibid., no. 25. In the decree *Dolentes* concerning the celebration of Mass, a penalty of suspension is prescribed for those who commit such acts or similar ones; however, this suspension is to be understood as a private, not a public, censure, as explained by Honorius III, in chapter 3, on the life and conduct of clerics, included in the fifth compilation of decrees published by Cironio. Ibid., no. 29. The custom of fining canons, unless they are present in the choir after the completion of the first nocturn with its readings, or after the singing of the first six psalms in the morning office on weekdays, even if a cus-

Translated by churchlatin.ai, a product of Boyne Archives

tom exists to the contrary, is disapproved of by the Holy Congregation of Councils during the visitation of Interamna on May 24, 1674. Ibid., no. 23. Although they are required to recite the Office for the Dead once a week in the choir, they are not required to do so outside the choir, which also applies to the Office of the Blessed Virgin, the penitential psalms, and the graduals, as defined by Saint Pius V in his constitution *LXIV. Inst. Eccles.*, 407, no. 9. The conventual Mass, although not explicitly named as the canonical Hours, is nevertheless part of the divine office; therefore, if canons of cathedrals and collegiate churches are required to perform the daily divine office, they are also required to celebrate the same Mass daily. Ibid., no. 44. An immemorial custom does not excuse canons of cathedrals and collegiate churches from residence; however, this does not apply to canons of non-collegiate and rural churches, in which the revenues are so meager that the canons, having no other means of support, would not be able to live. *Instit. Eccles.*, 407, no. 2, according to the decree of the Holy See. An absence from the choir for three months is not understood to be permitted by the Council of Trent, if the constitutions of the Church require continuous service throughout the year without any interruption, as explained in the decree of the Holy See, *Instit. Eccl.*, 407, no. 34. In this matter, no contrary custom, even if immemorial, is admitted, as judged by the Holy See in its decree. Ibid. For a vacation of three months granted by the Council of Trent, no permission from the Bishop is required, provided that they remain within the diocese; however, permission is required if they are absent from it; this request, however, should not be denied by the Bishop, according to the decree of the Holy See. Ibid., no. 36. Canons, by virtue of the three-month period granted by the Council of Trent, cannot simultaneously be absent from the choir for more than one-third of the time, nor can they obtain this vacation during the seasons of Lent, Advent, and on the most solemn feasts. This is according to the decree of the Holy Congregation. Ibid., no. 34.

[*Latin ed. p. 87*]

For those absent, the count is taken of those who are absent from the service of the Church for so many times that the prescribed amount of three months is exceeded within an annual period. Thus, from the decree of the Holy See, ibid., number 32. Hence, the Holy Congregation, in other decrees cited ibid., number 33, has decided that an absence of more than three months is to be considered as absence. Nor did the same Holy Congregation approve those who calculated the time from hour to hour, and not from day to day. Ibid. Those absent from the service during the time of vacation do not receive the daily distributions, unless they have been granted them by constitutions confirmed by the Holy Pontiffs before the Council of Trent. Thus, from the decree of the Holy Congregation. Ibid. Canonicals who have been absent for more than three months are not to be summoned

Translated by churchlatin.ai, a product of Boyne Archives

to come to the service of the Church; in this matter, they differ from non-resident curates, who, according to the prescription of the Council, are to be summoned, or admonished, so that proceedings may be taken against them. Therefore, the canonicals are to be summoned to explain the reason why they should not be deprived of half, or all, of the fruits, according to the prescription of the Holy Council. Thus, from the decree of the Holy See. Ibid., number 37. Furthermore, in order to proceed to the deprivation of the canonical office, a period of three years of absence must precede, after which three citations are to be issued against the absent person, who is then to be waited for for six months; and if he does not appear, proceedings are to be taken to the sentence of deprivation. Thus, from the decree of the Holy See. Ibid. However, within this three-year period of waiting, it is possible to proceed to the suspension of the one who is defrauding, according to the disposition of chapter Ex. of your own, concerning non-resident clerics. This can also be done even if the process prescribed by the Council has already begun; however, in that case, it is not to proceed to the sentence of deprivation. Thus, from the Decree of the Holy See. Ibid., number 38. The distributions that the Council of Trent, session 31, chapter 3, concerning reforms, mandates, are that one-third of the fruits be separated from the chapter mass, which is to be divided among those present at the divine offices. Moreover, the same Council adds that if the dignities and persons of the parochial and collegiate churches are absent from their duties, they lose the distributions, which are to be applied to the fabric of the Church, or to another pious work, at the discretion of the Ordinary. This last is understood concerning those dignities that have their revenues separate from the chapter table; those that participate from the same table lose the distributions, but those that are present receive them. Inst. Eccl. 407, number 41. Furthermore, the Holy Council, session 24, chapter 42, concerning reforms, forbids the choir members from making agreements with each other, nor from punishing the absent. It also forbids the free remission of distributions to those who have not been present, to which decree the Holy Congregation has always denied that these remissions are valid. Ibid., number 42. Nevertheless, it is permissible for the Bishop to further punish these transgressors, as the Holy Congregation has often responded. Ibid., number 44.

[*Latin ed. p. 88*]

Furthermore, the Holy Council judges that those who are excused from the distribution by infirmity, or by a just and reasonable bodily necessity, or by evident benefit to the Church, are not to be deprived of it; therefore, the Sacred Congregation decided that, in such circumstances, those who are absent do not merely retain their distributions, but even benefit from an increase, which arises from the distributions of those absent without cause. Moreover, if someone, being healthy, leaves the city with the inten-

Translated by churchlatin.ai, a product of Boyne Archives

tion of returning after a legitimate absence, but is subsequently afflicted by illness and is unable to return, he nevertheless receives the distributions as if he were present in the city, as decreed by the Sacred Congregation, ibid., n. 46. However, not every illness excuses one, nor does it always do so; for if someone, while in good health, neglected his duties, then, even if he is afflicted by illness, he does not receive the distributions, as the Sacred Congregation decided, ibid., n. 47. It may happen that someone is not forbidden to leave the house, but is prevented by the illness he suffers from attending the choir. Therefore, a blind man receives the distributions, even if he does not recite the part of the office that he remembers in the choir, as the Sacred Congregation decided, ibid., n. 48. The Sacred Congregation decided that the distributions should be granted to a blind man from the day on which he lost his sight, and not merely from the day on which he requested to be admitted as present, ibid., n. 48. Moreover, the same Sacred Congregation, in another decree, holds that he is not to be required to substitute another for the obligation of Masses in the collegiate church, ibid. When the plague is raging (a matter which is referred to the Bishop's judgment), canons who are absent from the city or town receive the distributions, as decreed by the Sacred Congregation, ibid., n. 50. Nor are those deprived of the distributions who are accustomed to attending the choir, but are forced to leave their place by unjust vexations, as decreed by the Sacred Congregation, ibid., n. 54. Those who are unjustly detained in prisons are also included, and this injustice must be judged according to the sentence passed in their favor, which has become final; for if an appeal has been interposed, the outcome of that appeal must be awaited; all of this is according to the decrees of the Sacred Congregation, ibid., n. 52. The sentence in favor of the accused is said here to be that by which the accused is acquitted as innocent by a final sentence, as well as that by which he is declared innocent based on what has been presented thus far; and finally, that by which he is acquitted with the condition that he not be molested. It is not, however, the sentence by which he is acquitted with the words "with sufficient cause." All of this is according to the decrees of the Sacred Congregation, ibid., n. 53. Pope Boniface VIII, in the chapter "de cleric. non resid." in the Sixth book, admits those who are absent for the evident benefit of the Church to the distributions. Therefore, a canon who is absent from the choir for the cause of the business of his Church, or of the chapter, receives the distributions, as the Sacred Congregation has often decided, ibid., n. 8. Therefore, a canon and theologian, on the day he reads [the text], may be absent from the choir without losing his distributions, even if he could be present, as the Sacred Congregation decided, ibid., n. 55. Therefore, a canon penitentiary, or another canon, is absent from the

Translated by churchlatin.ai, a product of Boyne Archives

Bishop-

[*Latin ed. p. 89*]

The appointed purpose in the place, while actually hearing confessions, is safely removed from the choir, and receives distributions, as has been decided by the Sacred Congregation on several occasions (ib., n. 55). However, if he is absent while not actually hearing confessions, he receives very little in distributions, as can be seen from other decrees of the Sacred Congregation (ib.). He does, however, profit from the fruits of his benefice, even if he is absent; but he who holds a canonry attached to his benefice, but outside the city, and has charge of souls, is obliged to reside in the parish for the time that he resides in the parochial church and administers the sacraments. Thus, according to the Council of Trent, Session 22, chapter 8, concerning reforms, and the Bull 65 of Saint Pius V. But he who has charge of souls in the church in which he is a canon, if he is occupied during the entire time in the exercise of those things that pertain to the care of souls, receives daily distributions. (ib., n. 56). It is permissible for the Bishop to add at least two canons to his cathedral chapter, or even to a collegiate church; however, he cannot choose a canon, or any dignity, nor even a coadjutor. These individuals profit from the fruits of their benefice, but not from the daily distributions. Thus, according to several decrees of the Sacred Congregation (ib., n. 57, 58). Canons whom the Bishop sends to Rome to visit the sacred places in his name, or who accompany him on that occasion, do not lose their daily distributions, as has been decided by the Sacred Congregation on several occasions (ib., n. 59). But if they accompany him on a visitation of the diocese, and if all the fruits of their benefice consist in daily distributions, then they receive two-thirds of those fruits, the third being lost, which is increased for the poor. Thus, according to a decree of the Sacred Congregation (ib., n. 59). According to the law of the Council of Trent, Session 24, chapter 42, canons can be compelled by the Bishop celebrating, or performing other pontifical functions, to assist and serve. Furthermore, according to a decree of the Sacred Congregation, it is decreed that all canons are obliged to serve the Bishop when he is celebrating in the cathedral during pontifical functions, except those who are absent on legitimate business. They are also obliged to perform the office of a subdeacon; this is true even if the Bishop celebrates, or administers the sacraments, outside the cathedral, within the diocese, and in the suburbs; they are also obliged at that time to perform the office of a deacon, a subdeacon, an assisting priest, and the two canons who are present with the Bishop when he administers the sacraments with the archdeacon. Thus, according to several decrees of the Sacred Congregation (ib., n. 60). Furthermore, this assistance takes place even when the Bishop is present in his cathedral for Mass, and for divine services on Sundays and feast days, both solemn and non-solemn, and on the weekdays of Lent. This is also

Translated by churchlatin.ai, a product of Boyne Archives

true when the Bishop celebrates pontifically in other churches of the city, or when he is present with a stole and mitre, or with a cape for divine services, and for solemn Mass, and performs other pontifical functions, if...

[*Latin ed. p. 90*]

Nevertheless, a sufficient number of canons and ministers must remain in the cathedral church. Thus, from the decree of the Holy Congregation, ibid. This is also valid when the Bishop is present in the cathedral church for the Lenten services, and for other services within the year. However, this is not the case if he attends a service in other churches of the diocese, even exempt ones. Ibid., n. 60. In all these circumstances, the canons who serve the Bishop, if they are required to attend the choir, do not always receive distributions. They only receive them when they attend a pontifically celebrated Mass, but not when the Bishop is merely visiting, or when a private Mass is being celebrated. Ibid., n. 61. It should be noted that canons who are absent, as we mentioned above, are not deprived of distributions, but they do not participate in the emoluments of anniversaries, which are customarily distributed only among those who are present, as stated in the decree of the Holy Congregation, ibid., n. 62. Daily distributions are also received by canons and beneficed clergy who, at times within the year, are confined within the religious house for spiritual exercises with the permission of the Bishop, unless they are doing so during Advent, Lent, and solemn feasts, and in such a way that the service of the choir suffers no detriment. Thus, from the Encyclical of Clement XI., ibid., n. 63. Canons and retired chaplains, whether or not they have a coadjutor, are not deprived of daily distributions. Ibid. However, they must have obtained this permission from the Holy Congregation, and are not restricted by their place of residence; although they may be compelled by the Bishop to attend the choir if the divine service suffers detriment. Thus, from the decrees of the Holy Congregation, ibid., n. 64. Furthermore, if a coadjutor is ill, either within the diocese or outside of it, he is not obliged to attend the choir, and he nevertheless receives the distributions that are entirely due to him, including those emoluments that are added for those who are present. Ibid., n. 65. The general vicar of the Bishop, the canon examiner, and those who perform a function in the tribunal of the Holy Office, the chamberlains, namely the collectors of spoils and tithes, and finally, those undertaking even sacred pilgrimages, are deprived of distributions, unless they have undertaken them within three months of the time granted from Trident. Finally, neither are the masters of Canon Law and Sacred Theology teaching in public universities; however, if they appeal to the Sacred Congregation, they receive the fruits of their prebend; and if they are poor, two-thirds of the distributions, which is also granted to those who are absent from public universities for the sake of study. Ibid., n. 72. Those who are absent for the sake of study, according to the decree of Innocent XII, if they do not present

Translated by churchlatin.ai, a product of Boyne Archives

the permission granted to them to the Ordinary of the place, and if it is not registered in the records of the Chancery within the time specified in the permission, it is as if they were not present. Ibid.

[*Latin ed. p. 91*]

To coadjutors, permission is not granted to be absent for a session for the sake of study. Ibid. However, study must be undertaken in a public university, and it benefits equally during the time when the lecturer has private study, and not in the hall of the public university, as stated in the decree of the Holy Congregation. If, at the time when the offices are performed in the choir, a chapter meeting is to be held, unless there is an urgent reason, the canons may not be absent for a session, without the deduction of the distributions for the time they are absent, as stated in the decree of the Holy Congregation, ibid., no. 73. Nor may they abandon the choir to celebrate Masses or hear confessions, unless the superior orders it; however, the superior is warned to abstain from such orders, as stated in the decree of the Holy Congregation of the year 1753, ibid., no. 74. No one can establish a new dignity in the cathedral church, except the Supreme Pontiff alone, as has been decided on several occasions in the Holy Congregation of the Council, Tractate de Syn. dicæ, book 42, chapter 4, no. 8. For a theological canonry, a competition must be announced, according to the Bull of Benedict XIII, Pastoralis Officii; however, the granting of it belongs to the Pope, according to canon Ad regimen, de præb. This competition must be announced by the Bishop, from whom four licentiates in theology are to be appointed as examiners, whether secular or regular; nor are synodals required. The candidates must be Doctors in sacred theology, or at least within one year they must obtain a doctoral degree in some approved university of general studies. All of these things result from the same Bull. The results of the competition must be transmitted to the Roman Pontiff, from whom the more worthy is chosen, as stated in the same Bull, and in Institutiones Ecclesiasticæ, 57, no. 4. Nor is a canonical doctorate sufficient, according to the response of the Holy Congregation, Institutiones Ecclesiasticæ, 57, no. 4. Nor is it sufficient even if this doctorate has been received from a body possessing special privileges, but it is absolutely necessary to have obtained it in an approved university, which is common to all benefices that require a doctoral degree, as stated in Bulla 70, Secretum Praevide. Ibid., no. 5. The theological canon fulfills his office, whether he reads the sacred Scriptures or scholastic theology, as has been frequently decided by the Holy Congregation, ibid., no. 6. However, he does not fulfill his office if he reads moral theology, as stated in ibid., no. 7. One-third of the revenue from the theological prebend must be set aside, and the proportionate share must be paid to the metropolitan sacristy, corresponding to the days on which the canon would perform his office. Ibid. CHAPTER. The chapter of the cathedral church must precede the chapter of the collegiate church, so that

Translated by churchlatin.ai, a product of Boyne Archives

the constitutions of private churches cannot be maintained otherwise.

[*Latin ed. p. 92*]

It is determined, as defined by the Rota, decision IX, after Murgam, concerning the Apostolic Constitution "De Synodis Dioecesanis," book 42, chapter 4, paragraph 2. The chapter of the cathedral church is to be invited to the synod convened by the Bishop, and the Bishop is bound to seek the counsel of that chapter concerning the constitutions to be established in that same synod; however, he is not bound to follow that counsel. If he neglects this, and promulgates his constitutions without consulting the chapter, those constitutions, insofar as they are not in accordance with the norms of law, will lack validity. Concerning Synods of Dioceses, book 43, chapter 4, paragraphs 45 and 46. Although the chapter of the cathedral church may obtain an exemption, it is nonetheless subject to the synodal laws in matters concerning the reform of morals and discipline, as declared by the Sacred Congregation. Concerning Synods of Dioceses, book 43, chapter 4, paragraph 8. The exemption of the chapter of the cathedral church is primarily in this regard: that the Bishop cannot proceed against any of the canons without the presence of two members of the chapter, according to the norm of the Council of Trent, session 25, chapter 6, concerning reform. Although the Bishop can visit [the canons] without the presence of members of the chapter, according to the Council of Trent, session 6, chapter 4, concerning reform. Concerning Synods of Dioceses, book 43, chapter 9, paragraph 8. When the see is vacant, the chapter cannot convert monetary fines and settlements of those who have committed offenses to its own use, as has often been decided by the Sacred Congregation. Concerning Synods of Dioceses, book 40, chapter 40, number 4. CAPPUCCINI. It was forbidden to the Capuchins, by a certain constitution of their general chapter, to expose their sins to anyone other than their order's confessor, even if they were far from their order's monasteries; however, Benedict XIV, on March 30, 1742, granted each of their priests and lay brothers who were far from their monasteries the faculty to confess their sins to any secular priest approved by their Ordinary, or to any regular priest approved by his superior, and to receive absolution from him, even from reserved cases and censures within their order, with the condition that, as soon as they can, they present themselves before their superior and obtain absolution from him for those same cases and censures. Thus, according to the constitution of Benedict XIV. Regarding Common Matters. Certain societies, by virtue of their privileges, cannot in any way choose a confessor for themselves, from whom they would be absolved from cases reserved to the Bishop, without the Bishop's permission, as the letters of Benedict XIV, beginning "Pias Christi fidelium," which speak of Synods of Dioceses, book 5, chapter 5,

Translated by churchlatin.ai, a product of Boyne Archives

paragraph 9, state, in addition to the decisions of the Sacred Congregation.

[*Latin ed. p. 93*]

Finally, those who seek to deceive and appeal to another diocese in order to be absolved from reserved matters of their own diocese, cannot be absolved according to the Bull of Clement X. The Canon Law states that a penitentiary judge has no power, by virtue of his office, to absolve from sins reserved to the Bishop, as is reported by the Sacred Congregation. Ibid. n. 8.

COGNITION OF CAUSES. All causes, whether civil or criminal, involving exempt persons, must be heard in the first instance before the Ordinary of the place, except for privileged causes; nor can they be brought before the Auditor of the Apostolic Chamber, except by means of a legitimate appeal. If, however, while causes are pending in the first instance, citations are issued in the name of justice, these are valid only for appearing and obtaining the signature, but not for delaying the execution of proceedings to a higher court. Constitution 68, Ad Militantes, n. 62 and following. Beneficial causes have a suspensive appeal interposed by him who has failed in the first instance; and sequestration of fruits cannot take place except after a final judgment before the Apostolic See, either in a petition or in a possessory action. Clement X, De sequestr. posses. et fruct. Nor can it be otherwise determined in the synods of particular Churches. Thus, in Tract. de Syn. dioc. book 42, chapter 4, n. 3. All causes, even civil ones, and those concerning even profane matters, in which clerics are convened as parties, must always be heard in the ecclesiastical court, and in the first instance before the court of their own Bishop, nor can they be transferred to the Roman court in the first instance, except if it has been agreed between the parties, as is reported by the Sacred Congregation in Instit. Eccles. 40, n. 3. If, however, a cleric convenes a layperson concerning matters relating to his Church, although, strictly speaking, the jurisdiction of this cause belongs to the secular judge, nevertheless, if a contrary custom prevails, it may belong to the ecclesiastical court. Whether this is done privatively, so that this convention cannot be made to the lay tribunal, or cumulatively, so that it can be made to either, will be determined by custom. Although, even in the case where it is done privatively, this cause can be brought before the lay judge with the permission of the Bishop. Ibid. n. 5, as confirmed by the decree of the Sacred Congregation of Bishops Regular, confirmed by the Brief of Paul V, dated March 9, 1647. Ibid. n. 6.

CENSURES. Greater censures, such as excommunication, suspension, and interdict, since they are severe penalties, cannot be imposed except for a more serious offense, so that suspension from divine services for a

Translated by churchlatin.ai, a product of Boyne Archives

long time, as well as the interdict, even...

[*Latin ed. p. 94*]

A personal censure, unless it is partial, cannot validly inflict guilt even for a minor offense, according to the opinion of many Doctors of the Council, in *De Syn.*, book 40, chapter 4, paragraph 3. This also applies to censures that are imposed and declared, *ib.*, paragraph 5. Bishops ought to be very cautious in imposing censures that are declared; for since this is the ultimate penalty, it must be reserved for the punishment of serious crimes and for the correction of grave offenses, according to the constant teaching of the Holy Congregation, in *De Syn.*, book 40, chapter 2, throughout. However, sometimes Bishops prudently forbid certain things that are of a lighter nature under the penalty of excommunication, but because of the grave scandal that would result if the prohibited thing were neglected, the very nature of the thing demands that such provision be made. Thus, the Pope defends his constitution, by which he forbade those who had been dispensed from eating meat during Lent to eat fish. *De Syn. dioc.*, book 40, throughout, chapter 3. Censures imposed by a human authority cannot be revoked by anyone except by the one who imposed them, or by his superior, if they are recognized as unjust. *Inst. Eccl.*, 55, paragraph 44. Therefore, the highest Penitentiary in Rome does not usually revoke censures that have been specifically imposed on someone, so that the jurisdiction of the Ordinaries may not be disturbed. *Ibid.*

CENSUS. A real census is licit and free from usury, because it involves the sale and purchase of the right to receive a portion of the fruits from another's property, which portion is a pension paid annually. *De Syn. dioc.*, book 40, chapter 5, paragraph 4. A personal census, however, is doubtful as to whether it is of its nature usurious or not. However, it is certain that it is prohibited by the constitution of Pope Pius V, in which personal censuses are established. *Ib.*, paragraph 5. Whether those conditions, insofar as they are not based on natural or divine law, have ceased to obligate according to a contrary custom legitimately prescribed in certain nations, is doubtful. And for Spain, Pope Pius V granted that they did not obligate, as stated by Guttierez. *Ib.*, paragraph 5. And it is indeed possible that such a contrary custom prevails somewhere, as is written. *Ib.* The Pope also advises, even in those dioceses in which the Piana constitution is not in force, to abstain from personal censuses, especially those that are redeemable on both sides. *Ibid.*, paragraph 6.

CHOREÆ. Choreas, although licit in their nature, can scarcely be permitted in practice, given that they are often an occasion for sin. *Inst. Eccles.*, 76, paragraph 5. Many theologians assert that it is not without grave sin for clerics to engage in choreas, as is affirmed in *Inst. Eccles.*, 76, paragraph 7. Indeed, Bishops can forbid all clerics from engaging in choreas, lest they

Translated by churchlatin.ai, a product of Boyne Archives

be led to...

[*Latin ed. p. 95*]

They furnish instruments, nor do they permit them to be made in their ecclesiastical, canonical, parochial, or even beneficed residences, designated for the dwelling of the beneficiary, even if those instruments were made in the name of relatives residing there, which words are from the decree of the Sacred Congregation, *Inst. Eccles.* 76, n. 8. CHRISM. From canon 422, dist. 4, concerning consecrations, it is understood that it is forbidden for parish priests to use any chrism other than that which has been consecrated by their own Bishop. *Inst. Eccles.* 81, n. 2, with all exemptions excluded, as stated by Passerini. Ibid. When new chrism is blessed, the old must be burned, and it is not permitted, unless there is necessity, to use the old chrism for the Sacrament of Extreme Unction, when new chrism is available, as the Doctors conclude from canon 422, dist. 4, concerning consecrations. Ibid., n. 4. It is permissible to mix a small amount of unconsecrated oil with consecrated oil; but neither is it fitting, nor does reason permit, to mix old oil, when new can be obtained, and thus perpetuate the mixture. Ibid., n. 4. When the fonts are blessed by the parish priest on the holy Sabbath, the rite should be performed with new chrism, which has been blessed by the Bishop on a weekday during the Lord's Supper of that year. Ibid., n. 5. By common law, canon, from all times, dist. 4, concerning consecrations, it is not permitted to carry the sacred oils except by subdeacons, or deacons, or priests. Ibid., n. 6. Latin Bishops absolutely confirm Greek infants who have been confirmed by Greek priests in Italy and the adjacent islands; for no power has been granted to them by the Pontiffs to confirm, and therefore they have acted invalidly. Bulla. Pastoralis, § 3. Those who have been confirmed by a simple Greek priest are not obliged, in Italy and the adjacent islands, to receive the same sacrament again from Bishops, if scandal is feared; however, they should be warned by the local Ordinaries that they are guilty of a grave sin if, when they can, they refuse and neglect to receive the Sacrament of Confirmation. Ibid. Greeks should be confirmed by a Greek-Catholic Bishop, if possible, but with chrism received from Latin Bishops. Ibid. Greek-Catholic priests are not obliged to receive the sacred oils from Latin diocesan Bishops, since they themselves prepare or bless them according to the old rite, except for the chrism, which must be blessed only by a Bishop, even according to their rite; however, they should not dare to receive these oils from Greek Bishops who are external to the Roman Church.

[*Latin ed. p. 96*]

Communion. Neither shall they receive from another Latin or Greco-Catholic Bishop, except from their own Ordinary, if he be Latin. Ibid.

Translated by churchlatin.ai, a product of Boyne Archives

CLOSURE. The closure of religious houses for men is asserted in the Bull *Regularis disciplinae*, from which the following are derived: As an abuse is declared the promiscuous entry of men with women within the walls, or enclosures, of a monastery, under the pretext of attending solemn devotions, which are performed within those same walls with the Sacrament of the Holy Eucharist, or with the relics of the Saints, etc. All constitutions and sanctions of the Roman Pontiffs concerning the enclosures of monasteries are confirmed. Finally, all faculties of dispensing with regard to said enclosure, granted to anyone and for any reason, are revoked. However, their right is asserted to those concessions which are favorable to any noble women, inasmuch as their ancestors, or distinguished benefactors, have founded, or have been prominent benefactors of the same monastery, and have obtained confirmation of this concession from the Apostolic See. As also is asserted for those women who are relatives by blood, and affine to those who hold dominion in temporal places, where the monastery is situated, provided that an Apostolic concession has been issued in the form of a Brief, or under seal, concerning which authentic documents have been presented to the Ordinaries of that place; provided that they use these faculties not to wander through the monastery, but solely for the sake of piety, and that their superiors are previously informed of their arrival and entry, etc. With regard to the enclosure of nuns, provision is made in the Bull *Salutare in Cattolica*, in which constitution the following are contained. All constitutions of preceding Pontiffs are confirmed, with the penalties contained therein. All faculties of dispensing with regard to this entry, granted to anyone and for any reason, are revoked, and those who transgress are subjected to the same penalties as those who violate the enclosure of the nuns. However, their right is granted, with regard to dispensations, to the Ordinaries of the places, and to other superiors respectively, who have the right to dispense in necessary cases, and with the due observance of the law. Nuns, after their profession, nor even for a short time, may go out from the monastery, unless for some legitimate cause approved by the Bishop. The causes are from *Extravagantes Pii V*, beginning with *Decori* etc., namely, fire, leprosy, and epidemic. *Institutes Ecclesiasticæ*, 85, n. 44. However, according to the prescription of the Roman Pontifical, they must go out from the enclosure, and enter the Church, accompanied by senior matrons, and immediately return to the enclosure. Ibid., n. 20.

[*Latin ed. p. 97*]

Finally, on the occasion of the consecration of these nuns, it is not permitted for the Bishop to enter the cloister, nor, much less, is it permitted for the master of ceremonies, or for relatives of the virgins being consecrated, to do so. Thus, from the same decree. Ibid. n. 21. Those who violate the cloister of the nuns for a wicked purpose, however, do not avoid excommunication

Translated by churchlatin.ai, a product of Boyne Archives

reserved to the Pope, even under the pretext of faculties obtained; they also incur this excommunication by admitting such violators, and are not excused by a contrary custom, even after the Council. Thus, from another decree of the Sacred Congregation. Ibid. n. 21. It is forbidden by the Pope, without authentic permission from the Apostolic See, to introduce girls and servants into the cloister of the nuns for any reason whatsoever, and this must be done only after examination by the Ordinaries of the place where the monasteries are located, regarding their morals, reputation, ability, and the necessity for educating or serving the said girls or servants. Thus, in letters to the Portuguese Bishop. CLERICS. It is permissible for the Bishop to forbid all clerics from wearing false hair, and, moreover, even in sacred functions not prescribed, it is permissible for the Bishop to forbid other sacred persons from doing so, even under pain of excommunication, as is evident from several decrees of the Holy Congregation concerning Diocesan Synods, book 44, chapter 9, number 4, and from the Church Law, number 96, number 5. However, for priests who are performing sacred duties, it is never permitted for them to use such hair, unless with the permission of the Sacred Congregation; nor is the episcopal permission sufficient, as is evident from the letters of Innocent XII to the Apostolic Nuncios and Bishops. Concerning Diocesan Synods, Ibid. number 5. The opinion stating that all hunting is forbidden to clerics by the sacred canons is more in conformity with the law. Concerning Diocesan Synods, book 44, chapter 10, number 8. Therefore, the synodal constitutions of Bishops, which impose a penalty on clerics that removes them from all hunting, are not to be condemned for excessive rigor. Ibid. number 10. The opinion of some, stating that clerics who attend comedies, however indecent, are not guilty of a mortal sin, if this is done without scandal and without a probable danger of falling, is erroneous and scandalous. Concerning the Diocesan Synod, book 44, chapter 10, number 12. Unmarried clerics, who are beneficed but not tonsured, and who walk in clerical vestments, do not enjoy the benefit of the forum and canon, as is evident from the Council of Trent, session 25, chapter 6, concerning reforms, but it is far more probable that they enjoy other clerical privileges, such as real exemption from ecclesiastical burdens, as is explained in chapter Odoardus, concerning payments. The Council of Trent does not deprive them of anything except the privilege of the forum and canon, as is evident from the Diocesan Synod, book 12, chapter 2, number 4. Moreover, by the law of Trent, the Bishop is not deprived of jurisdiction over them as his subordinates; for the law of Trent does not...

[*Latin ed. p. 98*]

Dentition [a legal term referring to a process of legal action] operates in another way, namely, so that a cleric who has committed a crime cannot avoid the secular forum. Thus, it is decided by the Holy Congregation, as

Translated by churchlatin.ai, a product of Boyne Archives

reported in *Sperellum*, decrees 47, numbers 33 and 34. Therein, number 4. Furthermore, from another decree addressed to the Archbishop of Naples, it is established that the Bishop has the right to reclaim those same delinquent clerics from the hands of the secular judge, when they have not been deprived of their clerical privileges either by law or by human declaration. Therein. It is, however, decided by the Holy Congregation regarding married clerics in the matter of *Alatrina* jurisdiction on March 27, 4633. Therein, number 5. Clerics who, after having put off the clerical garment, commit a crime, and then resume it again, if they have done so without deceit or fraud, certainly enjoy the privilege. Conversely, it is established that they do not enjoy the privilege if they have acted with fraud. However, it is not for the secular judge to determine whether there was fraud, but for the ecclesiastical judge. Whether this must first be established before the secular judge can proceed legally against the cleric's property is a question among the Doctors, in which the affirmative opinion is more readily admitted. Furthermore, he is considered to have acted fraudulently who, after having abandoned the garment and committed a crime, was taken to prison by the secular judge, escaped, or by some means evaded [capture], and then resumed the clerical garment. See *Synodus dioecesana*, book 42, chapter 3, number 4 and 2. The Bishop cannot, by a general constitution, prevent tonsured clerics from resuming the garment again without the Bishop's permission, as is reported by the Holy Congregation. Ibid., number 3. However, in order to avoid disagreements in this matter between the ecclesiastical and secular powers, it is advisable that the Bishop, by a general edict, order the clerics to proceed in the habit and tonsure, and to serve some Church for a certain time; after which, if they transgress, he should warn them three distinct times to obey. Those who disobey should then, by sentence, be declared to have, through their own fault, forfeited their clerical rights, and that they will not be restored to them. By the force of this sentence, those who have transgressed do not enjoy the privilege of the forum with the resumed garment. Ibid., number 4. The Church to which the cleric is to serve, in order that he may enjoy the forum's privilege, is to be designated by the Bishop; if, however, he serves another, he still enjoys it, as is reported by the Holy Congregation. Ibid., book 42, chapter 6, number 5. Those who do not proceed in the habit and tonsure, after prior warning, are also suspended from orders, office, and the fruits of the benefice, according to the Council of Trent, session 14, chapter 6, on Reforms. Moreover, and from another *bulla*, they are deprived by the very fact of all dignities, prebends, and simple benefices, and pensions. However, those who have a pension not exceeding the sum of sixty ducats from the Camera are excepted from these penalties, in another *bulla*. But

Translated by churchlatin.ai, a product of Boyne Archives

this latter provision is...

[*Latin ed. p. 99*]

Regarding pensions, it does not revoke the disposition of the prior bull, which also binds benefices of lesser value, as confirmed by the Sacred Congregation. *Instit. Eccl. 71, n. 42.* Clerics suspended from the exercise of their order, if they abstain from it, and proceed to a higher order without prior absolution, do not incur irregularity, although they do so sacrilegiously; this is the more common opinion. *De Syn. Dicec. l. 42, c. 3, n. 6.* The Bishop can prohibit clerics from ascending to the sacred and higher orders, based solely on his informed conscience regarding their hidden crime, just as he can suspend clerics from Divine office, as is stated by the Sacred Congregation. *De Synodo Dicæcesana lib. 42, cap. 8, num. 3.* This is so true that he cannot be legally compelled to disclose the reason for their suspension. However, it is permissible for the accused to present only their own complaints, not an appeal to the Apostolic See, as is stated in the response of the Sacred Congregation. *Ib. n. 4.* Consequently, even if the accused has interposed an appeal, if in the meantime he has solemnly exercised his order, he continues to incur irregularity. *Ib. n. 5.* Clerics, before being ordained in the sacred orders, are required to first study at least Moral Theology, for this is the meaning of the decree of the Council of Trent, Session 23, chapter 44, which states that those to be ordained for teaching the people must be proven to know those things which are necessary for all to know for their salvation, and to be suitable for administering the Sacraments; and this requirement was confirmed by Benedict XIII in the bull *Apostolici ministerii*, etc., issued for the reform of the clergy of Spain, and as a norm for other episcopal sees. *Instit. Eccl. 2, n. 4 and 5.* Clerics to be ordained in the sacred orders are to be encouraged to undertake spiritual exercises for ten days, as was formerly ordered by the Bishops of Italy and the adjacent islands in the encyclical of Innocent XI, and renewed in another encyclical by Clement XI. *Instit. Eccles. 404, n. 5.* The Bishop should not order that clerics initiated into the minor orders, or even into the higher subdiaconate, etc., should ascend to the sacred orders, even if it would easily prevent scandals among younger clerics who dedicate themselves to idleness and vice; for this is contrary to ecclesiastical discipline. *De Syn. Dicec. Lib. 42, c. 4, n. 2.* However, this is true, provided that the clerics do not hold any ecclesiastical benefice, or if they do hold a benefice, but not one to which is attached the obligation of receiving the sacred orders. *Ib. n. 3.* Those who neglect the obligation attached to their benefice are deprived of the benefice. *From Trid. cap. 42, Session 24, on Reforms*, unless they can be excused for a just impediment. *Ib. n. 6*, provided that this impediment was not foreseen by them before they accepted the benefice. *Ib. n. 7.* However, this exception does not apply unless necessity of the Church demands it. *Ib. n. 7.* A shortage of priests

Translated by churchlatin.ai, a product of Boyne Archives

is not a sufficient reason to ordain uneducated clerics to the sa-

[*Latin ed. p. 100*]

The various orders should be promoted, as the Sacred Congregation for the Council reports in Chapter 18, question 18, concerning the age and qualifications for appointing a cleric. By a decree of the Most Holy Pope V, it is forbidden for anyone to leave anything in their will to their illegitimate children, and to their descendants, relatives, and affine, whether from revenues from ecclesiastical goods, or from patrimonial possessions, even if those children have died before the testator. However, this sanction does not exclude the obligation to provide support to illegitimate children, even from ecclesiastical revenues. Moreover, if a bequest is made in favor of the relatives of the same child, this is only valid in the case where the inheritance of those relatives is transferred to the benefit of the same illegitimate child. From the Decrees of the Diocesan Synod, book 43, chapter 24, paragraph 24.

THE COUNCIL OF TRENT. A custom contrary to the decrees of the Holy Council of Trent is not to be observed, because in the Bull of Pope IV, which is read at the end of the same Council, there is a decree that annuls all those things that are contrary to the same Holy Council, from which it follows that this annulment applies to all obstacles to each of the chapters of the same Council.

Ecclesiastical Institutions, 60, number 7. When the phrase "saving always the authority of the Apostolic See" is added to the sanctions of the Council, the Council itself, in session 25, chapter final, always intended to include this phrase when dealing with the reform of morals and ecclesiastical discipline. Therefore, in dispensations granted by the Roman Pontiff, it is always understood that there is a derogation from the sanction of that Council, even if this derogation is not expressly stated, as defined by Pope Pius V in his own decree apud Garciam de Beneficiis, part 4, chapter 5, numbers 32 and 33, and as confirmed by the Sacred Congregation of Councils in the Decrees of the Diocesan Synod, book 43, chapter 24, number 26.

CONGREGATION. Each parish priest is obliged to give a sermon in his church, and cannot be excused by custom, even if it is an ancient one, or because sermons are given in other churches, or because of the small number of listeners. Thus, Innocent XIII, in his Constitution for the reform of the discipline of the kingdoms of Spain, which was confirmed by Benedict XIII, as a rule for all other Ordinaries.

Ecclesiastical Institutions, 40, number 3. However, a pious address given on each feast day is sufficient for a sermon, as the Sacred Congregation responded on August 8, 1732. Regular preachers are required to ask the Bishop for a blessing, even if they wish to give sermons in the church of their order, according to the Bull of Clement X, Suprema.

Translated by churchlatin.ai, a product of Boyne Archives

Ecclesiastical Institutions, 27, number 7. In other churches, however, a license and blessing from the Bishop are required even for Regulars, according to the Council of Trent, session 5, chapter 2. Ibid.

[*Latin ed. p. 101*]

It may be decreed that Regular Canons may also preach in their churches at the time when the Bishop himself delivers a sermon in another church. From *De Synod. Diæc.*, book 9, chapter 47, paragraph 7. However, if the Bishop desires to hear sermons preached before him, or if sermons are customarily heard in his own church during Advent and Lent, he cannot prohibit the Regular Canons from preaching at the same time in their own churches. Furthermore, if the Bishop prohibits preaching at a time when he himself is preaching publicly, having summoned the clergy, magistrates, and people, this prohibition is invalid, as is stated in the *Clementina*, under the heading *De sepulturis*. From *De Syn. Diæc.*, book 9, chapter 47, paragraph 7. Parishioners are not obligated to listen to the sermon of their own pastor, which he delivers in the parish church on feast days, even if it is commanded by the Council of Trent, whose sanction has been abrogated by custom. From *De Synodo Diæcesana*, book 41, chapter 44, paragraph 45. Preachers who, through vulgarity, bring the Word of God as if to the stage, incur not a minor fault, but a grave offense, as stated in the words of the encyclical of the Holy See, issued under Pope Innocent XI on July 6, 1680, *Inst. Eccl.*, 27, paragraph 45.

CONCURSUS (Presentation for appointment). In the *concursus* for a parish, if the appointment pertains to the Bishop, the judgment regarding the most worthy candidate, from among those approved by the examiners, belongs to him; if, however, the benefice is a church benefice, then the appointment belongs to the patron. If the patron is a layperson, the candidate must be approved by examiners appointed for that purpose, but without a *concursus*; the patron must then make the selection. However, if there are multiple lay patrons, and each presents his own candidate, so that none has a right over another, then a *concursus* must be held, and the selection among the approved candidates belongs to the Bishop, as stated in the Decree of the Holy See, cited by Barbosa. From *De Syn. Diæc.*, book 4, chapter 8, paragraphs 8 and 9. When a see is vacant, the election in the *concursus* belongs to the Vicar Capitular, for to him the entire jurisdiction of the chapter devolves. Paragraph 40. In the *concursus*, the examiners are obligated to be judges not only of doctrine, but also of other qualities necessary for the office of pastor. Thus, the Pope states in the *bulla Cum illud*. The following must be observed in holding a *concursus*. Ibid. Upon notification of the vacancy of the church, the Bishop shall appoint a Vicar and assign his remuneration at his discretion. The Bishop shall publish an edict regarding the *concursus*, specifying the time at which it will be held, within which time the candidates shall submit

Translated by churchlatin.ai, a product of Boyne Archives

to persons appointed by the Bishop their sincere documents, or judicial records, attesting to their qualities, merits, and services; these documents will not be accepted after that time has elapsed. On the day appointed for the *concursus*, the summary of these documents shall be presented by the...

[*Latin ed. p. 102*]

The completed examination should be delivered to the one presiding over the assembly, and individually to each examiner. Then, the assembly shall proceed with the examination, assigning to each candidate the same questions, and the same passage from the Gospel, upon which the candidates shall write a discourse. All of these things shall be presented to all at the same time, and within a closed assembly: and a suitable time shall be assigned to each to respond. Each person shall write their responses by hand in Latin, and shall also sign them with their own hand. The discourse intended for the people shall be written in the vernacular language. Finally, the responses themselves shall be signed by the Chancellor of the assembly, then by the superior presiding over it, and finally by each examiner individually. The examiners shall also inquire of the candidates as to the extent of their proficiency in the Latin language, and may request them to explain something, either concerning the holy Fathers, or the Council of Trent, or the Roman Catechism, which may be done orally. The responses, thus signed by the examiners, along with a concise summary of the requirements, shall be delivered to the Chancellor for safekeeping, and shall not be shown to anyone within the secret records. If anyone should deem it necessary to appeal from a negative assessment by the examiners, or from an unreasonable judgment by the Bishop, the complete record of the assembly shall be presented before the judge of appeals, who, after reviewing it, shall render his judgment solely based on the record, both with respect to doctrine and to conduct. If, in the case of such an appeal, the Bishop deems it necessary to inform the judge of appeals of the secret reason for which he was moved to choose another candidate, he may do so in writing, under the law of secrecy. However, if the Bishop suspects that the judge of appeals may reveal this secret, he shall submit the same information to the Prefect of the Holy Congregation of Councils in writing. The judge of appeals, when an appeal is made from a judgment of the Bishop, or from a negative assessment by the examiners, must be informed not only of the doctrine, but also of the other qualities of the candidate chosen by the Bishop. If the judgment of the judge of appeals is in conformity with the episcopal election, then further appeal should cease. Otherwise, if it should happen that the second and third candidates receive favorable judgments, then the appeal may be made against the election of the first candidate. Finally, the candidate who receives two favorable judgments shall be declared the victor. If, however, the benefice, dignity, and canonry are to be conferred by the Apostolic See,

Translated by churchlatin.ai, a product of Boyne Archives

then the assembly shall not await the arrival of the Pontiff, but shall be convened by the Bishop. But if the benefice is temporary, and reserved only for a certain number of months, the Bishop may choose the more suitable candidate, and inform the Dataria accordingly, and is not obliged to transfer the record of the assembly, unless it is required. Conversely, the Dataria shall transfer it, and suspend any judgment, if the reservation is for any other reason. However, it is permissible for the Bishop to notify the Dataria of the candidate whom he believes to be more suitable for the benefice, as well as if there is any hidden reason why a particular candidate should not obtain the benefice.

[*Latin ed. p. 103*]

THE CONFESSOR. Confessors who rashly question penitents about the accomplice in a crime, and otherwise deny absolution, incur the censure of suspension from office, commit a grave sin, and are to be denounced, if it can be ascertained, that they have considered this practice as permissible. Likewise, those who teach that it is permissible are to be denounced. Thus, Benedict XIV, in the Constitution *Ad eradicandum*, etc. There it is also added that penitents who have been compelled by the confessor to reveal the names of accomplices are not bound to denounce those same confessors, provided they act from some imprudence or simplicity, and those addicted to this practice cannot be identified from the circumstances. Confessors who urge their penitents to reveal shameful matters are to be denounced by the same penitent, and this denunciation must be made, even if the confessor is a simple priest, and lacks jurisdiction; even if the penitent himself has not consented to the urging; even if a long time has passed since the urging; even if the urging is done by the confessor not for himself, but for another. Confessors must be careful not to absolve penitents whom they know have been urged by another, unless they have first made a denunciation, or at least promised to denounce as soon as they can. Thus, in the bull *Sacramentum poenitentiae*. The confessor lacks all authority and jurisdiction to absolve the accomplice in a shameful crime in relation to that crime committed with him; and if he dares to grant this absolution, he incurs, by that very act, excommunication reserved to the Supreme Pontiff; and this absolution of the accomplice in the crime is not valid, even in the Holy Year, or by privilege of the bull *Cruciatae*. Ibid. In the very hour of death, if another priest is present who can provide for the present necessity, and the confessor nevertheless grants absolution to the accomplice in the crime, having made other dispositions for the penitent, the absolution itself is valid, but the confessor commits a mortal sin, and incurs a reserved excommunication. Therefore, the confessor cannot do this unless necessity urges in the hour of death, and another priest is not present, at least a simple priest, who can grant the same absolution; or at least unless he cannot be excused from this duty without some grave

Translated by churchlatin.ai, a product of Boyne Archives

infamy or scandal. Therefore, all means should be employed, without causing scandal or infamy to oneself, to avoid this, and to substitute another, if possible. Thus, the Pope, in the declaration of the previous bull *Sacramentum poenitentiae*, in his new bull *Apostolici muneris*. It is enjoined upon Ordinaries that, in the approval of confessors, the Constitution of Gregory XV and the present one of Benedict XIV be observed by all priests.

[*Latin ed. p. 104*]

It is necessary that those who are appointed to hear confessions diligently read and observe these matters. Thus, in the Bull *Sacramentum Poenitentiae*, it is stated: "The absolution given by a confessor to one who is ignorant of the necessary necessity of penance is invalid." In the Encyclical *Etsi Minime*, it is judged that if the penitent is truly ignorant of the necessary necessity of the precept, and rightly laments this ignorance, and promises amendment, he can be absolved. Ibid., § 42. If a confessor hears a penitent and does not absolve him, and is required to provide written testimony of the confession, he must provide it; however, he should never affirm that he absolved him, nor should he absolve him at that time, for otherwise, if he had testified about some things and not others, the danger of revealing the secrets of confession would be present. *Inst. Eccl.*, 45, no. 40. The Fathers of the Capuchin Order, if they are present in a place where there is no house or hospice of their order, and no brother of their order is a confessor there, may hear their confessions with a secular priest who is approved by the local Ordinary, or with a regular priest approved by his regular superior for hearing confessions, notwithstanding the statute of their religious order to the contrary. *Bulla, Quod Communi*. Regular confessors are not required to be present at the resolution of cases of conscience which are held before the Bishop for the entire diocese; however, they are required to be present and to attend the reading of the same cases in their monasteries. This reading must be held in each monastery according to the apostolic prescription; if they are not present, the Bishop can compel them to attend the Congregation of cases of conscience which is held before him according to the prescriptions of the Holy Canons. Thus, according to the Encyclical of the Holy Congregation dated May 29, 1752, and also according to another decree of the Congregation issued in 1682, in which this is established in favor of the Regulars even in those monasteries in which there are not twelve religious living.

CONFESSION. No one who holds any privilege can hear the confessions of seculars without the approval of the Ordinary, and this applies even to the confessions of venial and mortal sins, which are otherwise subject to the keys. This also includes those who have obtained the privilege of the Bull *Cruciata*, as stated in the Bull of Benedict XIII, *Inst. Eccl.*, 86, no. 8. It is established by the canon *Omnis Utriusque* from the Constitutions of Clement VIII in 1562, and of Innocent X in 1645, beginning with the

Translated by churchlatin.ai, a product of Boyne Archives

words *Eæponi nobis*, that satisfaction is given by a confession made to any secular or regular priest approved by the Bishop. *De Syn. Dicæc.*, book 9, chapter 49, no. 4.

[*Latin ed. p. 105*]

Even those not burdened with a grave sin are obligated by the precept of annual confession, so that each person may at least once a year acknowledge himself to be a sinner, as stated in *Summa Theologica*, part 4, distinction 47, question 3; *Institutiones Ecclesiasticae*, 48, number 4. The parish priest, although he should generally believe what his parishioner asserts, that he has made a confession, must nevertheless abstain from administering Communion to him if he cannot prudently believe the assertion; he must also abstain from giving him Communion, even at Easter, as stated in *Roneaglia, Institutiones Ecclesiasticae*, 45, number 45. If a penitent receives absolution during Easter, but is advised by the confessor to abstain from Communion for a time, he may obey without sin. However, the confessor cannot arbitrarily postpone that Communion, as stated in chapter "Omnis utriusque secus," concerning penance and [the city of] *Remis*. There, number 46. Bishops can grant Regulars a limited faculty to hear confessions, even if, after examination, they are found to be suitable. *Institutiones Ecclesiasticae*, 86, number 9. Regarding confession made through a *laticum* [a speaking tube] in necessity, when there is no priest present, the Pope teaches correctly that none of the ancients recognized the *laticum* as a true minister of this sacrament; but that such a confession is a testimony of the soul's humility, by which God is more inclined to grant greater grace, whereby one may be moved to contrition and justification. Nevertheless, although this should be done when possible, it is subject to many inconveniences. In *De Synodo Dicæ*, book 7, chapter 46, throughout, it is rightly noted from the decree of Clement VIII that a confession made to an absent priest through a messenger is illicit and invalid. In places where there are very few priests to hear confessions, it is sufficient for them to be approved with less than average knowledge, as stated by Cardinal de Lugo, *Institutiones Ecclesiasticae*, 86, number 42.

CONFIRMATION. It is clear that Confirmation is a sacrament of the new law, both from the definition of the Council of Trent, session 7, canon 1, and from the Acts 8, with those words: "They laid their hands upon them, and they received the Holy Spirit." *Institutiones Ecclesiasticae*, 6, number 3. This sacrament is conferred by the imposition of hands by the Bishop, and by prayer. When Christ instituted it, who is the only author of the sacraments, is uncertain: whether it was then, when He laid His hands upon the head of the children, Matthew 19:15, or whether He instituted it only then, without administering it; or whether it was at the Last Supper, when He said to the Apostles: "Receive the Holy Spirit"; or finally, on the day of Pentecost, is unknown. Ibid., number 5. Although the grace of

Translated by churchlatin.ai, a product of Boyne Archives

miracles, which He formerly infused, has now ceased.

[*Latin ed. p. 106*]

Life, and the Church demands no more than this; nevertheless, the grace of sanctification is bestowed in equal measure, as testified by Saint Augustine, in *De Baptismo*, book 3, chapter 46. This grace, however, is conferred upon those who receive the sacrament, after the obstacle of sin has been removed, so that it is rather an increase of preceding grace. It also produces a certain strength and firmness in the spiritual powers, by which we resist the devil. Ibid., paragraph 7. Finally, it impresses an indelible character, by which a certain spiritual power is given, in order to perform certain things that are to be done by those who are more perfect. From this, it follows that it cannot be repeated. Ibid., paragraph 7. No one, of course, has affirmed that there is an absolute necessity for receiving this sacrament; but in reality, or in a vow, it is plainly necessary by the necessity of a commandment, and that a divine one, during times of persecution. Neither pastors, nor parents, nor those who are in the place of parents, are to be excused from the deadly sin if they do not insist that those subject to them, and those whom they have subject to them, receive confirmation from the Bishop, when prepared. Ibid., paragraphs 9 and 40. Regarding the age at which the chrism should be administered, according to the ordinary rule, this sacrament should be conferred upon children after the age of seven; but in some extraordinary case, when a just reason demands it, it is not forbidden to administer it even before that age. It is established that a just reason exists if access to those children will not easily be available to the Bishop in the future, etc. Thus, in the bull for the Copts, in the year [omitted], and in the *Synodus Diocesana*, book 7, chapter 40, paragraph 5. The ordinary minister of Confirmation is the Bishop; but, in an extraordinary case, any priest can administer it by the mandate of the Pope, which is certain today, although some doctors formerly doubted it. *De Syn. Diœc.*, book 7, chapter 7, throughout. However, a simple priest uses the chrism blessed by the Bishop, although it is probable that the opinion of those who hold that this chrism can be blessed by a simple presbyter by the commission of the Supreme Pontiff is correct, and there are not lacking, although rare, examples. Ibid., chapter 8, throughout. Furthermore, it must be held that Confirmation conferred by a simple Latin priest by the mere delegation of the Bishop is invalid; for the Roman Pontiff is to be considered as tacitly reserving this power to himself, according to a custom received throughout the Latin Church. This reservation, as it restricts jurisdiction, is valid only to the extent that the Bishop lacks jurisdiction to delegate. Ibid., chapter 8, paragraph 7. The sacrament of Confirmation, with oil, and even with old chrism, if new cannot be obtained, but blessed by a Catholic Bishop, is permitted to be conferred by the Guardian of the Holy Sepulchre of the Order of the Friars Minor of the Observance, if the Latin Bishop

Translated by churchlatin.ai, a product of Boyne Archives

residing in his diocese is absent, by a Brief beginning with the words "Cum ad infrascriptam." However, it is established that this is a personal privilege granted to the Guardian who requested it. There exists a bull in the *Bullarium*. The same was also granted by the Holy Congregation and confirmed by Benedict XIV.

[*Latin ed. p. 107*]

In which... Constitution, in the year [omitted], to the Prefect of Missions in Egypt, until a Catholic Bishop is established in Egypt. The confirmation conferred by Greek priests in places inhabited by Greeks, in which this practice is not expressly disapproved by the Apostolic See, ought to be considered valid by the tacit consent of the Roman Pontiff. Concerning the Synod of Dioceses, book 7, chapter 9, and the Constitution concerning the Catholic Copts, which Constitution begins in the year [omitted]. In it, however, it is stated that this chrism must be blessed by a Bishop. The dispositions of the soul, in order to worthily receive this sacrament, are a state of grace, which in adults infected with mortal sin is usually attained through the sacrament of penance. *Institutes Ecclesiastical*, 6, paragraph 44. The dispositions of the body, although not necessarily required beforehand, are usually confirmed, and the one being confirmed should fast, as advised by the Roman Pontifical. Ibid., paragraph 42. A single godfather must be present at the confirmation, a male for a male, and a female for a female, who must also have been confirmed themselves. Ibid., paragraph 43. It would be fitting for males and females to approach separately, so that the matter may be carried out more honorably, as stated in the Council of Milan. Ibid., paragraph 43. Furthermore, the godfather should place his right hand on the right shoulder of the one being confirmed. Ibid., paragraph 46. During times of plague, the Bishop is not obliged to administer this sacrament to those afflicted by that disease, since this sacrament is not of absolute necessity. Concerning the Synod of Dioceses, book 43, chapter 49, paragraph 6. During the time of plague, the anointing of the forehead with a small brush cannot be performed in the confirmation, nor would it be valid if administered in this way; since, according to the opinion of almost all theologians, some imposition of hands is required for its validity, which certainly would not occur if the forehead of the one being confirmed were anointed with oil using anything other than the thumb or hand. Concerning the Synod of Dioceses, book 43, chapter 49, paragraph 45.

CONFRATERNITIES OF THE LAITY. While confraternities of the same institute cannot exist in the same place, according to the bull 405 of Clement VIII, yet, if the city or population is larger, two may be tolerated. *Institutes Ecclesiastical*, 105, paragraph 86. If a confraternity is established in churches of Regular Canons exempt, it is nevertheless subject to the jurisdiction and visitation of the Bishop, to whom it also belongs to visit their chapels located there, although, in matters concerning the governance of

Translated by churchlatin.ai, a product of Boyne Archives

the confraternity. And if it is the duty of the confraters to maintain the altar, and its worship; as well as the ornaments of the altar, the expenses of the Masses, and the celebration of the divine offices there, etc., then, according to a resolution of the Sacred Congregation. Ibid., paragraph 88. Confraternities of the laity cannot request aggregation from the Roman archconfraternities, unless with the prior approval of the Ordinary of the place, or the Bishop, with the participation of two members of the Chapter. Thus, according to Constitution 145.

[*Latin ed. p. 108*]

Clement VIII, with the decrees of the Sacred Congregation, book number 89. The administrators of aggregated confraternities are obligated to render an account to the Bishop, as decreed by the same Sacred Congregation. These matters apply also to confraternities aggregated to the Chapter of Saint John Lateran, as well as to those which, having been founded, are subject to the annual payment of dues to that Basilica; as has often been decided, book number 90. However, churches or chapels founded solely within the Lateran Palace, by the bull of Sixtus V, do not fall under the ordinary jurisdiction of the Bishop; but, as the Rota affirms, they enjoy the delegated right granted to them by the Council of Trent, session 6, chapter 4, session 24, chapter 3, concerning reforms, by virtue of which they can visit these places, either by themselves or through others, as also demonstrated by the decree of the Sacred Congregation, book number 90. Confraternities of lay people established in parish churches are dependent on the parish priest in ecclesiastical functions that are not parochial, as decreed by the Sacred Congregation of Rites on January 12, 1704, book number 93. Therefore, those same confraternities established in chapels or oratories annexed to parish churches, and dependent on them, are also dependent on the parish priest, according to the same decree. However, those established in public or private churches, separate from parish churches, are exempt from this dependence, as stated in the same decree. Therefore, blessings and the distribution of candles, when not pertaining to purely parochial matters, as well as blessings of women after childbirth, of the baptismal font (which, however, must both be performed by the parish priest), of fire, seed, eggs, and similar items, all functions of Holy Week, the celebration of the solemn Mass on Thursday of the Lord's Supper (which, however, pertains to the parish priests), the ringing of bells on Holy Saturday (which, however, pertains to a more important church), the celebration of the solemn Mass on more solemn feasts of the same church or oratory, the exposition of the Forty Hours, and the blessing given over the people, the exposition of sacred relics or images, can be performed in the oratories of confraternities, even if the respective parish priest objects, as stated in the same decree. Furthermore, in these private oratories of the confraternities, the canonical hours can be sung without the permission of the parish priest, according

Translated by churchlatin.ai, a product of Boyne Archives

to the same. In their private oratories, the celebration of a private Mass is permitted with the consent of the Ordinary alone. Their chaplains cannot announce festivals and vigils to the people if the parish priest objects, according to the same. Nor can parish priests, without inviting the confreres, teach Christian doctrine in their oratories that are separate from the parish church, according to the same. In their public churches, even if the parish priest objects, sermons can be given throughout Lent and Advent, according to the same.

[*Latin ed. p. 109*]

Conversely, in those churches, unless otherwise ordered by the Bishop, Mass cannot be celebrated or sung before the parochial Mass, according to the same [decree]. However, it pertains to the parish priest to perform the funeral rites over the bodies to be buried in the aforementioned churches, provided that the deceased is to be buried within the jurisdiction of the parish priest, within whose territory that church is located. In processions of confraternities outside the boundaries of their own church (which, however, cannot be held without the permission of the Bishop, or of those parish priests through whose territory they must pass), the chaplains of those confraternities cannot wear their vestments outside their own church, according to the same [decree]. When a Bishop visits those public churches which are not of a religious order and do not have a proper, appointed rector, the parish priest is not required to present the aspersorium [holy water sprinkler], according to the same [decree]. Furthermore, if any right pertaining to the parish is suspended, the parish priest cannot compel the chaplains of those churches to assist in the functions of the parochial church, according to the same [decree]. Without an apostolic indult, it is not permitted in those churches which are not parochial, nor of a religious order, to retain the Sacrament of the Holy Eucharist; nor, even if that faculty exists, can the aforementioned Sacrament be publicly exposed there without the permission of the Ordinary. According to the same [decree]. The parish priest may not interfere with the administration of offerings or alms collected in those churches, nor may he retain the key to the receptacle in which they are received. According to the same [decree]. Furthermore, provided that they do not impede the functions and divine services, confraternities established in a parochial church may gather freely without the permission and presence of the parish priest, just as they may administer and dispose of their own property independently of him. According to the same [decree]. The parish priest, acting as a delegate of the Ordinary, cannot cast a decisive vote in their congregations. According to the same [decree]. However, many of the things which the parish priest cannot demand from the confraters, may be done by order of the Bishop, as has often been decided by the Holy Congregation. Decree, number 98. The confraters may not collect alms, even within their own

Translated by churchlatin.ai, a product of Boyne Archives

church, unless with the permission of the Ordinary, as decreed by the Holy Congregation. Furthermore, the Holy Congregation has decided that Masses collected from those alms should be celebrated in the same church, and not in the parochial church. Decree, number 432. Among the confraternities of the laity, the one that has the right of precedence should precede; and if nothing is established regarding this matter, the one that was first vested should precede, as is clear from Constitution 84 of Gregory XIII, Institute of Canon Law, 105, number 84. But in processions in which the Most Holy Eucharist is carried, the...

[*Latin ed. p. 110*]

The Blessed Sacrament, enclosed in a vessel, is to be carried first, as decided in Rome. Ibid. n. 85. CONSECRATION. If the sacred buildings of the Church are destroyed and rebuilt from the foundations, the Church, already consecrated, must be consecrated again, as the canonists affirm from the Title on Consecration of Churches or Altars. Inst. Eccl. 67, n. 2. The Office, however, must be recited concerning the prior consecration, not the second. Ibid. n. 6. The consecration of the altar is clearly distinct from the consecration of the Church, as noted in the Roman Pontifical. Ibid. n. 8. CONSTITUTION UNIGENITUS. To public refractorists opposed to the Constitution Unigenitus, the Blessed Sacrament must be denied. Public persons are considered to be those who have been declared by a judge to have stubbornly refused due veneration, obedience, and submission to said Constitution. Likewise, those who have confessed to the judge that they are guilty of such contumacy; as well as those who, when about to receive the sacred Sacrament, manifest their disobedience and contumacy against that Constitution. Finally, those who are known to have manifestly committed something clearly opposed to such veneration, and this is publicly known, so that a public scandal has not yet ceased. However, this certain knowledge is not present in cases in which the crime rests on conjectures, presumptions, and uncertain voices. Therefore, should those who have this adverse reputation, as lastly expressed, be denied the sacred Sacrament? The following should be kept in mind: First, the parish priest or minister of the Sacrament should inquire whether the dying person received Communion during the Paschal season from the parish priest where they resided; to this person, the Sacrament should certainly not be denied if they publicly request it, unless it is known that between the time they received Communion and the time they request the Sacrament, they have committed something that has caused them to be marked as a public sinner. However, if valid presumptions and indications against the sick person are present, then the minister of Holy Communion should, setting aside all opinions, speak to the sick person and show them the indications that make them suspect, urging them to repent, and demonstrating that he is prepared to administer the sacred Sacrament to them, and that he wishes, for the

Translated by churchlatin.ai, a product of Boyne Archives

sake of his piety, to prevent their disgrace, and therefore not to reject them from the sacred table, although he considers them a sinner before the Lord; nevertheless, he does not acknowledge them as a public and notorious sinner in his own tribunal. Thus, Benedict XIV, in his bull *Eo omnibus Christiani orbis*, etc.

[*Latin ed. p. 111*]

CUSTOM. A reasonable and legitimately established custom abrogates all human law, even canon law, as stated in the final chapter on Customs. However, it is not permissible for a Bishop, according to the custom of his diocese, to establish a law contrary to the canons; for the validity of a custom derives from a certain tolerance on the part of the higher legislator. It would, however, be an act of arrogance for a Bishop to establish a law contrary to the law of a higher authority. (De Syn. Diœc. 1. 12. c. 8. n. 8.)

CONTRACT. The contract of three contracts, which is defended by many, is disapproved of by others; it is not expressly disapproved of by the Pontiff, but he allows the Bishops the faculty to dissuade their subjects from entering into it in their Synods. (De Syn. Diœc. 1. 40. throughout chapter 7.)

The *contractus collatici* is one in which an ox, used for plowing the land, is given to a plowman, who pays the owner of the ox a certain portion of grain. This law is added, that if the ox dies naturally, the loss is shared equally between the owner and the plowman. However, if the ox perishes through the fault of the plowman, the plowman bears the entire loss. This contract has been approved by theologians, with certain conditions added, which have been approved by the Sacred Congregation. (Syn. Diœc. lib. 40. cap. 8. n. 2.)

The contract of sale with a redemption clause (*contractus venditionis cum pacto francandi*) is one in which Titus sells his property to Sempronio with the agreement that the property will be redeemed; however, Titus retains possession of the property as a lessee, and pays a rent until Titus redeems the property. In this contract, the buyer should be questioned by a confessor as to whether he has a sincere intention to purchase; similarly, the seller should be questioned as to whether he asked the buyer for a loan, and whether he induced him to accept usury under the guise of the redemption agreement. In both of these cases, usury is implied, and therefore it should be judged illicit; otherwise, it is not. (De Synodo Diœcesana Lib. 40. cap. 8. n. 3. et 5.)

CROSS. A cross should be placed prominently among the candlesticks on the altar where Mass is celebrated, and a plain cross is not sufficient; a cross with the figure of the Crucifix is required. It is not fitting that a small cross be placed, so that it is not easily visible to the celebrant, and therefore, in his Encyclical to the Ordinaries of the ecclesiastical jurisdiction, the Pontiff commands that these small crosses be removed. (Bull. Accepimus

Translated by churchlatin.ai, a product of Boyne Archives

prastantium.) Whether a cross should be placed, according to custom, even when the Blessed Sacrament is exposed for Adoration, the Sacred Congregation of Rites has been consulted.

[*Latin ed. p. 112*]

He ordered that honey be added; and again, when the matter was brought up anew on September 2nd, in the year 1721, it was decreed that each Church should retain its own custom. Ibid. Regarding whether a crucifix is also necessary, if the altar table displays the first image of the Crucified, the Sacred Congregation judged that this is sufficient. Ibid. Finally, concerning whether one commits a grave sin by celebrating Mass at an altar from which the crucifix is absent, the common opinion holds that this does not induce anything other than a venial fault. De Sacr. Miss. lib. 3. cap. 43. n. 4.

CULTUS. Private worship can be offered to those who have not yet been enrolled among the Blessed or the Saints, but not public worship, as is evident from the celebrated Decree under Urban VIII. It is certain, as confirmed by Benedict XIV in his bull Quamvis justo. By virtue of the same decree, the title of Saint or Blessed cannot be attributed to them, nor can a solemn Mass of the Holy Trinity or of all the Saints be celebrated on the anniversary of their death, nor can their panegyric sermons be held in the Church on the same day; but by virtue of the same Benedictine constitution, the anniversary of their death can be publicly celebrated with the same rites, and hymns can be sung in their praise, although they cannot be particularly invoked in the litany. Ibid.

DISPENSATION. A dispensation from the Sacred Penitentiary, when directed to a confessor by the Ordinary, must be entrusted for execution to a confessor approved by the Ordinary of the place in which the dispensation is to be granted, and it is not valid if the confessor is not actually present, nor if he has been approved only for men, and the dispensation is requested by a woman. Insuit. Eccles. 87, no. 31. If the direction is given to a confessor who is a master in theology, or a doctor of canon law, a degree in theology, or in canon law from a public University is required; nor can those letters be opened by a simple religious confessor, unless that religious order has some privilege regarding this matter. Ibid. no. 44. If a brief from the Penitentiary has once been opened by someone who does not have the required title, the rescript is not thereby invalidated, but it is sufficient if it is consigned to another who does have the requirements. Ibid. no. 88. If an executor has once been chosen, it can nevertheless, according to a probable opinion, be changed, although there are doctors who hold the opposite view. Ibid. The executor must inform himself of the truth of the reasons for which the dispensation was granted; but he is not required

Translated by churchlatin.ai, a product of Boyne Archives

to obtain testimony from elsewhere.

[*Latin ed. p. 113*]

But he who requests the dispensation must first inquire whether he himself knows the truth of the matter; nor is he bound to question him under oath, as is the common opinion of the Doctors. Ibid. n. 34. However, if he knows that the person is narrating falsehoods, he cannot proceed to grant the dispensation, unless he knows this from previous dispensations granted, as Sanchez states. Ibid. In the letters granting the dispensation, it is ordered to the executor that he grant the dispensation after having heard the sacramental confession, and within the confession itself; nor is it permissible for him to carry out the matter outside of the confession, as all teach. Ibid. n. 35. When penance is defined in the letters, it must be imposed; but if it is left to the discretion of the confessor, it is not free for him to impose it arbitrarily, but it must be guided by the laws of prudence, neither too strict nor milder than is fitting. Ibid. n. 37. 38. Regarding the clause "provided it is hidden," it is considered hidden if only seven or eight people in the city know of it; in towns, however, if five or six know, and this opinion is defended by those writers who understand the mind of the Sacred Penitentiary. Ibid. n. 45. If the hidden impediment is in the place where the dispensation for execution is granted; and the public knowledge of the matter is in another place, where the crime was committed, it is safer then to suspend the execution, and to inform the Sacred Penitentiary of this new information. Ibid. n. 46. A crime that was once public, is now considered hidden, if ten years have elapsed since the commission of the crime, for this purpose, the experts in those theologies judge it to be hidden. Ibid. n. 48. If someone has obtained something by illicit means, but it is publicly believed that he obtained the right to do so, his sin is considered hidden for this purpose. But if the commission of the crime is known, but it is not known that it gives rise to an impediment, it is certainly not considered hidden for this purpose. Ibid. n. 48. The clause "provided it is hidden" requires that it cannot in any way be proven. Ibid. n. 46. If the crime has been brought before a court of law by the Sacred Penitentiary, it is considered public. However, if a sentence has been given in it, absolving the crime, by which the accused is found innocent, or not found guilty, even if it was obtained by illicit means, false witnesses, etc., the impediment is still considered hidden for this purpose. Ibid. n. 49. The expression of the causes, and their verification, pertain to the validity of the dispensation. Bulla Ad Apostolica servitutis.

[*Latin ed. p. 114*]

CHRISTIAN DOCTRINE. In rural churches located far from the parish church, Bishops decree that priests working there should teach the Christian doctrine to the people. The Encyclical *Etsi minimè* cautions that the

Translated by churchlatin.ai, a product of Boyne Archives

parish priest should not assign too much work to others, but that when children are to be admitted to the sacraments of the Eucharist and Confirmation, and when betrothed couples are to be joined in marriage, he himself should test them to see what they have learned. Ibid. n. 44. It is not permissible for the custom to prevail in some dioceses, whereby children of one parish are taught Christian doctrine in another parish, as was written by the Sacred Congregation of Councils to Cardinal Lambertinus on August 9, 1732. *Instit. Eccl.* 9, n. 40; but each parish priest ought to instruct his own, or at least to ensure that they are instructed in the parish, but those who teach the faithful who come to their churches are not to be blamed, provided they inform the parish priests of the names of those who attend. Ibid. n. 43. Schoolmasters, whether appointed by the community or not, whether clerics or laymen, are to be encouraged first to teach their students Christian doctrine, and then to urge them to do so, as stated in the Decree of the Sacred Congregation of Councils to the Archbishop of Spalato on July 4, 1668. Ibid. n. 44. Not everyone needs to know Christian doctrine equally; more is necessary for clerics than for laymen; more for adults than for boys and girls; more for those of keen intellect than for those of dull wits. *Inst. Eccl.* 72. Ibid. n. 49. If someone does not explicitly believe those things which are necessary by the necessity of the mean, it is much more likely that he has not validly received absolution. Indeed, absolution is certainly invalid in that case, and the confessor cannot safely use the opposite opinion, and it cannot be given to those who explicitly ignore these things, as is clear from the proposition condemned by Innocent XI. Ibid. n. 49. But if someone is ignorant of those things which are necessary by the necessity of a precept, provided he is now sorrowful and proposes amendment, he can certainly be absolved, as the theologians state. Ibid. Parish priests should teach children Christian doctrine at least on Sundays and other feast days, completely abolishing any contrary custom, as stated in the Encyclical *Ubi primum*. In the bull *Etsi minimè*, the Pope warns that the confessor must firmly hold that sacramental absolution is invalid, when given to someone who is ignorant of things necessary by the necessity of the mean.

[*Latin ed. p. 115*]

DOS. When young women who are not virgins request dowry assistance, [the confessor] grants it secretly, and only in the forum of conscience, so that they may live honorably in the future. *Bulla Pastor Bonus*, etc. BENEDICT XIV. In the year 1752, on the fourth of the Ides of November, he condemned the following propositions concerning duels. I. He who offers or accepts a duel is to be considered a fearful, timid, and contemptible man, unfit for military service, and therefore he ought to be deprived of the office by which he supports himself and his family, or of any promotion due to him, and he ought perpetually to lack that which he merits: both the

Translated by churchlatin.ai, a product of Boyne Archives

offerer and the acceptor incur guilt and punishment. II. Those who accept or challenge a duel, even for the sake of defending their honor or avoiding dishonor, may be excused, provided they know that the fight will not take place, as it is to be prevented by others. III. Those who, as commanders or military officials, accept a duel out of grave fear of the loss of reputation and office, do not incur ecclesiastical penalties. IV. It is permissible, in the natural state of man, to accept or offer a duel in order to preserve one's fortune with honor, when no other remedy can prevent its loss. V. The permission granted for the natural state may also be applied to the state of a corruptly ordered society, in which, indeed, justice is openly denied, either through negligence or malice, by magistrates. In the same bull, the Pope forbids anyone to defend these same propositions, publicly or privately, separately or together, even for the sake of discussion; otherwise, by this very act, he incurs excommunication reserved to the Roman Pontiff. He commands, in virtue of obedience, that no one put these propositions, or even one of them, into practice. He confirms the constitutions of previous Roman Pontiffs concerning duels, and declares that if anyone kills a man in a duel, whether publicly or privately, and that man dies either in the place of conflict or outside of it, from a wound received in the duel, he is to be considered as a voluntary murderer, and therefore he shall not enjoy the immunity of sanctuary, but may be taken from the sacred place, with the permission granted by the Bishop, which the Pope grants to him. He adds that if a man who has been gravely wounded in a duel is still alive, and the attacker returns to the sanctuary, and it is reasonably feared that he will do so, so that if the wounded man dies, he will escape, then if, by the judgment of experts, there is a grave danger to his life, he may be removed.

[*Latin ed. p. 116*]

If it is judged that the wound threatens [the life of the perpetrator], the accused shall be taken from the sanctuary, with the prior decree of the Bishop and with the assistance of a cleric appointed by the same Bishop, and shall be held in closed prisons, provided that the judge gives a promise that, if the wounded person prolongs his life beyond the time prescribed for homicide, he shall return him to the Church; otherwise, he shall incur the penalties established by Benedict XIII in similar cases concerning those taken from a sacred place for homicide, and who are not returned. Finally, the denial of burial, which those who duel incur in Trent, is also declared to be incurred even before the judgment of the judge, if, perchance, he dies even outside the place of conflict from a wound received in a public or private duel, even if he has given certain signs of repentance before his death, and has obtained absolution from censures, and it is decreed that this cannot be dispensed with by the Bishops. CHURCH. In rural parish churches, the Bishop takes care that the Mass is not celebrated before the parochial Mass, according to the Encyclical *Etsi Minimē*. If the parish

Translated by churchlatin.ai, a product of Boyne Archives

church should be ruined or in need of repair, it is to be restored by the fabric [funds], if they exist; if not, the parish priest is bound to restore it, not from his patrimonial revenues, but from the revenues of the benefice, if they remain for its maintenance; although they may not remain for the maintenance of his relatives, the same parish priest. Thirdly, those who hold an ecclesiastical benefice in that church are bound. Fourthly, if the parish is by right of patronage, the patron is bound to do so at his own expense; but in such a way that, if he does not wish to provide the expenses within the time fixed by the Bishop, he shall lose that right of patronage. Finally, the people, and those who live in that parish, are bound, even if they rent houses belonging to others, and the owner of those houses lives elsewhere; however, in that case, they may compensate themselves from the rents retained. Thus, according to the Canonists, *Institutiones Eccl.* 400, throughout. The Church is defiled by voluntary homicide, *c. Proposuisti, de cons. Eccl.*, if a great quantity of human blood is shed in it. Canon *Ecclesiis, de cons. dist. 1.*, if human semen is shed spontaneously, whether the shedding is according to nature, or against it, whether through a licit or illicit union; from the same text, and chapter *Si Ecclesia, de consecr. eccles.*, if an excommunicated person is buried there, *c. Consuluisti, de cons. eccl.*. Also, if a pagan is buried there, *can. Ecclesiam, de consecr. dist. 1.* Of the Sacrifice of the Mass, book 3, chapter 7, paragraph 4. BISHOP. The consecration of a Bishop must necessarily be performed by one, or by three, in order that it be valid, although there is a question among theologians, since the Pontiffs...

[*Latin ed. p. 117*]

It has been customary in places where Bishops are lacking, to grant the faculty that this consecration be performed by only one Bishop. Hence, the opinion asserting that a single Bishop suffices seems more probable. However, the Pontiffs usually prescribe that two Abbots, or two priests constituted in ecclesiastical dignity, be added to the Bishop performing the consecration. Thus, many examples are given. Concerning the Diocesan Synod, book 43, chapter 43, number 5. There, it is likewise decreed that the consecration of a Bishop, performed by one prelate with only one priest assisting, is valid, even if no one else is present besides the consecrator. Concerning the Diocesan Synod, book 1, 43, chapter 43, number 9. Agreements made by the electing Chapter, and sworn by the elected Bishops in Germany, that it is not permissible for them to proceed against the electors themselves, or to obstruct the officials of the Chapter, if they have acted or decreed anything: I say, these agreements, if they precede the election, are declared entirely null and void by Innocent XII in the Constitution beginning "Ecclesiæ catholicæ." Those that follow, however, suspend the execution of these agreements until the Apostolic See renders judgment on them. Ibid., number 47. These agreements are considered forbidden and

Translated by churchlatin.ai, a product of Boyne Archives

void, even if they are honest, as is stated in the Decrees. Ibid., number 49. Furthermore, there are Apostolic Letters on this matter from Benedict XIII, in the form of a Brief to be read. Ibid., number 23. Suffragan Bishops, if they are adorned with the pallium, are nevertheless cautioned in the bulls of its concession, so that no prejudice may be inferred from this to their Metropolitan, and they are forbidden to present it in the presence of the Archbishop. Concerning the Diocesan Synod, book 43, chapter 45, number 40. The titular Latin Patriarchs, as well as Archbishops in partibus, are not adorned with the pallium, since no one can use the pallium outside of their province; these, therefore, reside elsewhere. Ibid., number 47. Resignations of bishoprics, which Bishops request to be permitted, are not admitted by the Consistorial Congregation, unless from canonical reasons which are reviewed in chapter "Cum pridem," concerning resignations, but all of these are referred to this, so that it may be clearly understood that they are for the benefit of their people, and that they can no longer serve the salvation of their people. Ibid., chapter 46, number 3. Regular Bishops, if they renounce their bishopric, are bound to return to the cloister of their religion, unless otherwise ordered by the Holy Father... Thus, Benedict XIII in his Bull "Custodes." Ibid., number 4. The reasons for resignation are not examined so strictly in the case of Cardinals who resign their bishopric, provided they intend to reside in Rome, to assist the Roman Pontiff. Thus, according to Fagnano. Ibid., number 5. A Bishop translated from one bishopric to another can enjoy the revenues of the Church from which he departs, up to that point in time when, by the Supreme Pontiff, in the Consistory, he is absolved from the bond of his former Church: from that time on, the former Church is considered vacant, as is stated in the definition of the Congregation of Councils, approved by Urban VIII. Ibid., number 7. Neither can the same Bishop, after being absolved from the bond, lawfully confer benefices, which...

[*Latin ed. p. 118*]

After that time has elapsed, as decided in the Roman Tribunals. Ibid. n. 9. In the meantime, however, after the pronouncement, that is, by the Pope in the Consistory, and as long as this pronouncement is unknown to the Bishop, the jurisdiction remains with the Bishop, not indeed for conferring benefices, but for governing the diocese, as is provided in the same decree, or in the Brief issued by Pope Urban VIII. Ibid. n. 10. If the Bishop falls into the hands of pagans, or schismatics, and is made a captive, the administration of the Church passes to the Chapter, until otherwise ordered by the Apostolic See, c. If the Bishop, as stated in supplement 6, which statements are true, is imprisoned in such a confined place that his diocesans cannot even reach him by letter. Ibid. n. 14. To Bishops, from the time that the Pontifical Constitution *Firmandis* came into effect, it is permitted to inspect, during a pastoral visitation, the altar in the parish church administered

Translated by churchlatin.ai, a product of Boyne Archives

by Regular clergy, as well as the baptismal font, the parish confessional, the pulpit from which the parish priest has the right to proclaim the word of God, the sacristy in which the sacred vestments for administering the sacraments are kept, the tomb, the parish cemetery, the bell tower, if there are bells pertaining to the parish, and finally, the sacred vessels in which the consecrated particles are kept, or the sacred oils of baptism and Extreme Unction, and finally, the font of blessed water. Bishops, to whom, until now, the faculty has been granted to impart the plenary indulgence to the faithful who are in the article of death, may use this not only for a certain time, as is limited in the Briefs they obtain, but as long as they remain in the diocese for whose benefit they obtained it. They also have the faculty of delegating other pious priests, as many as they deem suitable, to grant the same indulgence. Those delegated, having this faculty transmitted to them, may use it for the entire diocese, or territory, to which they are assigned, as long as they persevere in this ministry, even if the delegating Bishop has died. Finally, these faculties will henceforth be granted perpetually to all and each Bishop who obtain letters to that effect, and also to lower prelates, having a separate territory with true *Nullius* status, and active jurisdiction over the clergy and the people. Thus, the Pope establishes this in his Constitution, *Pia Mater*, issued on April 9th, 4747, in which he also provides the rite of this blessing. The Bishop, in his Synod, cannot indeed define questions of faith, but he can prohibit errors that have already been condemned by the Church, as is deduced from Gonzalez in chapter V. Concerning Diocesan Synods, book 6, chapter 3, n. 7.

[*Latin ed. p. 119*]

To the Bishops in the Synod, it is permissible not to define any matter of controversy among the Doctors, but to prohibit a practice; for example, it is not permitted for them to pronounce whether the essence of fasting consists entirely in abstinence from meat; but even before the Bull of Benedict XIV, they had the right to order that those who had obtained a dispensation to eat meat on days of fasting should observe only one meal. From the Decrees of the Diocesan Synod, Book 1, chapter 7, number 3, paragraph 4. To the Bishop, it is sometimes permissible, especially in those matters which do not admit of delay, and concerning which the Supreme Pontiff cannot easily be consulted, to relax the common law, as is reported from the decision of the Holy Congregation of the Council. From the book on the Diocesan Synod, Book 42, chapter 8, number 4. However, this is only in a specific matter, and he cannot grant a universal rule concerning that matter, as is stated in the common decrees. From the same, number 2. It belongs to the diocesan Bishop to consecrate churches, and it is permissible for him to demand that another Bishop perform this office; it is certainly not permissible for a priest, even with oils blessed by the Bishop himself. Thus, from the Decrees. From the book on the Diocesan Synod, Book 43,

Translated by churchlatin.ai, a product of Boyne Archives

chapter 45, number 2. Furthermore, no one except the diocesan Bishop can reconcile consecrated churches, and it is not permissible to demand that a priest perform this office, even though with water blessed by the Bishop. However, if the church has not been consecrated, but only blessed, it is permissible that a simple priest, using only holy water, can reconcile a defiled church. From the same. The Bishop must see to it that pious legacies are fulfilled, which he himself can accomplish, even if he had been forbidden by the testator to do so, as is stated in the chapter "Concerning Testaments." If the testator has left an executor for his legacies, and in that case, if he acts sluggishly, another is appointed in his place, then the Bishop, if the delegate also acts sluggishly, must take upon himself the care of fulfilling this; this is also true in all pious depositions, both those made in the last will and those made between living persons, as is stated in the Council of Trent, Session 22, chapter 8, on Reform. This also applies not only to Bishops, but also to lower Prelates who have a separate territory and a jurisdiction almost episcopal. From the Decrees of the Diocesan Synod, Book 1, chapter 43, final paragraph, numbers 4 and 2. This also applies to the Capitular Vicar when the See is vacant, as is stated by the Holy See concerning legacies of masses. From the same, number 2. The Basilica of Saint Peter in the Vatican, in the places subject to its authority (for not all are), does not interfere with the jurisdiction of the Bishops in matters concerning pious legacies and the offerings of masses, unless after one year from the death of the testator; after that year has elapsed, it interferes with the execution of pious intentions, even if a lawsuit has been begun, and terminated by the Bishop, as is evident from the Decrees. From the book on the Diocesan Synod, Book 43, final chapter, number 3. It is not permissible for a Bishop to be absent from his diocese for three months at his own discretion or for any reason; but if there is a true reason, and if provision is made so that the flock does not suffer any detriment from this. From the Encyclical "Ubi Primum."

[*Latin ed. p. 120*]

EUCHARIST. Concerning the frequency of Holy Communion, whether it may be given daily, or somewhat less frequently, nothing is to be altered from the decree of Innocent XI, dated February 12, 1679; all matters must, of course, be referred to the judgment of learned and prudent confessors. However, it may be inferred from the same decree that frequent Communion should be denied to those who frequently fall into grave sins, and who are not concerned about amendment, as well as to those whose will is averse from grave matters, but who are more attached to venial sins. Concerning the Synod of Dicae, book 7, chapter 42, paragraph 9. To regular canons, it is forbidden by secular law to distribute the Eucharist only on one day of the Paschal season, the Resurrection of Christ; but to others, it is permitted on other Paschal days without any prohibition. Thus, in the

Translated by churchlatin.ai, a product of Boyne Archives

Tractate on the Diocesan Synod, book 44, chapter 44, paragraph 5. The Paschal time, within which the precept can be fulfilled, is defined by Pope Eugene IV in his constitution *Fide digna*, from Palm Sunday to the Sunday in White Week; and it is not permitted for a bishop, even in a synod, to extend this time further. Concerning the Diocesan Synod, book 42, chapter 6, paragraph 40. The Paschal precept concerning receiving the Eucharist is not fulfilled by receiving it in the parish church, but in the metropolitan church, as is affirmed by the decrees of the Holy Congregation, from Lugo, *Responsionibus Moralibus*, book 4, question 45. Thus, in the Ecclesiastical Institutions, 48, paragraph 42. He who has not fulfilled the Paschal precept concerning receiving the Eucharist within the proper time is still bound by it, and may even be compelled by penalties to receive the Eucharist. In the Ecclesiastical Institutions, 45, paragraph 45. Secular servants of both orders of regular canons, even if they live in the courtyards of the monasteries, surrounded by walls, are bound to receive Holy Communion during the Paschal season in the parish church, within the boundaries of which the monastery is situated; as has been repeatedly decided by the decrees of the Holy Congregation; for those dwellings are not within the precincts and houses of the monasteries, which is required by the Council of Trent, so that servants may be exempt from the parish. In the Ecclesiastical Institutions, 55, paragraphs 7 and 8. Priests celebrating Mass are not bound to fulfill the Paschal precept in their own parish; but if they celebrate Mass rarely within the year, and do not wish, or are unable, to celebrate Mass during Easter, then they are bound to communicate in the parish. Ibid. To a hidden sinner publicly requesting the Eucharist, it must not be denied, since natural law demands respect for reputation. Concerning the Synod of Dicae, book 7, chapter 44, paragraph 4. But to one who requests it secretly, and to a known priest from elsewhere, it must be denied, unless it is safe to do so through confession. But if, equally, from elsewhere, and at the same time also from confession...

[*Latin ed. p. 121*]

The priest must know, and must express that he knows, of the sin from a certain source, though he need not name the source from which he knows, if he received this information under the seal of natural confidentiality; but if he knows of the matter only from confession, he must act as if he did not know, unless he demands the strictest seal of confession. *Instit. Eccles. 89. n. 2.* A public sinner who publicly seeks penance must be rebuked. A public sinner is considered to be not only he who has been declared as such by a judge, but also he who is considered to be such by evident fact, which cannot be concealed by any evasion. *Ibid. n. 8. et De Sacrif. Miss. 1. 3. c. 20. n. 4.* Natural fasting must precede the reception of the Eucharist, beginning from midnight of the preceding night. It makes no difference whether or not sleep was taken after eating before the night in India; nor

Translated by churchlatin.ai, a product of Boyne Archives

does it matter if cooked food was eaten before the Holy Communion. Furthermore, this fast is broken even by a small amount of food; therefore, neither is the ablution taken after the celebrated Mass to be admitted for him to whom it is permitted to celebrate other Masses on that day, as on the feast of the Nativity of the Lord, in which case, it is not permitted to celebrate and to give the sick the Viaticum; for the precept of the Viaticum obliges when it can be conferred according to the rites of the Church. However, any remaining food in the mouth, if swallowed, does not break the natural fast; as is evident from the rubric of the Missal. Conversely, if someone puts a small amount of sugar in their mouth before going to sleep, which gradually dissolves into the stomach, that certainly breaks this fast. Finally, if someone tastes wine, or a condiment, to explore the flavor, and immediately spits it out, that is not a breaking of the fast. *De Missæ Sacrif. lib. 3. toto cap. 42.* In cases of doubt as to whether someone has broken the fast, theologians dispute, but it is nevertheless advisable to abstain from receiving Holy Communion. *Ibid. n. 7.* The priest, when about to receive the Eucharist outside of Mass, must have the stole hanging from his neck, as prescribed by the Roman Ritual. He may, however, give himself Communion with his own hands if there is a scandal, and if there is a reason that requires the reception of the Sacrament, and if no other priest is present. The reason, however, is some solemn feast. *De Sacr. Miss. 1. 3. c. 47. n. 40.* It is not forbidden to administer the Eucharist to the faithful at Masses for the dead, provided that the decree of the Sacred Congregation of Rites, which prohibits this, is no longer observed, and that learned writers on the rites admit that it can be administered safely at any Mass, without any distinction being made between the forms consecrated in the same Mass and the reserved Sacrament. *Ibid. c. 48. n. 42.* On the night of the Nativity of the Lord, according to the decrees of the Sacred Roman Council, it is forbidden to administer Holy Communion to the faithful present at Mass; because the priest is not permitted to celebrate other Masses on that night. *Ibid. n. 43.* On weekdays, on the eve of the feast, and on the Sabbath, no one, except for the Viaticum,

[*Latin ed. p. 122*]

It is to be communicated, as is certain by the custom of all Churches. Ibid., n. 44. A priest, administering the Eucharist while in mortal sin, gravely offends against the reverence due to so great a Sacrament. Consequently, he who receives the Sacrament from him knowingly, communicates with his sin, which is the observation of St. Thomas. Ibid., chap. 49, n. 2. Therefore, it follows that he who receives the Sacrament from a priest who is a schismatic or excommunicated, sins gravely, because he communicates with his sin. Ibid., n. 3. Whether a priest who, infected with a mortal sin, administers the Sacrament of the Eucharist to many, commits a single sin; the Doctors disagree; for some hold that he commits only one sin, when through a

Translated by churchlatin.ai, a product of Boyne Archives

continuous action he administers to many, while others multiply the sins as many as are the faithful. Ibid., n. 3. It is not permitted to a member of the faithful to offer more than one particle, or a host of larger size, which was prohibited by the Sacred Congregation, in its Decree, approved by Innocent XI on February 4, 1679. Ibid. It is not permitted to offer the Sacrament to a sinner prepared to receive it, in a state of sin, to offer an unconsecrated host in place of a consecrated one, because of the danger of idolatry, both with respect to the recipient and those present. Ibid., chap. 20, n. 4. The purification, which was formerly performed through the Eucharist, by which the priest announced to the person about to receive Communion that he would receive the Body of Christ for the sake of proof, although it perhaps does not contain the temptation of God, as Vasquez argues; today, however, since it has been abolished by a text from the chapter "Ex tuarum," it cannot be restored. De Sacrif. Miss., book 3, chap. 20, n. 3. The custom of denying the Eucharist to those condemned to death, where it prevailed, is neither approved nor refuted, but where the contrary custom prevailed, it must certainly be maintained; however, some time must be allowed to pass between Communion and death, so that the Eucharistic species may be consumed. De Sacr. Miss., book 3, chap. 2, n. 6. If, through the negligence of a priest, something of the Eucharist should fall to the ground, the rubrics of the Missal must be observed; although it must be admitted that canonical penalties have been absolved. If, however, a fragment should fall into the bosom of a woman, it is better that the woman herself lift it with her own hands and put it into her mouth. Ibid., n. 7. A parish priest carrying the Eucharist, or accompanying a corpse, if he is prevented from going along the public road, has the right to pass through a foreign field, and cannot be hindered by the owner, for this is a right commonly granted to everyone. Inst. Eccles., 89, n. 2. If a priest, being sick, wished to receive the Viaticum with his own hands, and another priest was unwilling to put it into his mouth, he would not deserve to be condemned. De Syn. Dicæ., book 43, chap. 49, n. 27. If a Bishop forbids that Mass be celebrated in this or that altar.

[*Latin ed. p. 123*]

The Eucharist should be administered in the presence of ministers, and it is necessary to observe order, not to create a disturbance. Encyclical of November 12, 1742, and in *De Sacrificio Missae*, Book 12, chapter 22, paragraph 47. If anyone steals the host, or particles from the tabernacle, or from the sacred pyx, or from the repository, and takes away a portion of it, this is considered sufficient proof of theft of the consecrated host, and therefore the accused must demonstrate that the portion taken was not consecrated. Thus, in the bulla *Ab augustissimo*. By the very fact that someone has committed this sacrilege, it is presumed that they intended to use it for a wicked purpose; and this presumption is equally valid against the one

Translated by churchlatin.ai, a product of Boyne Archives

who, either during or after Communion, takes away a particle from his own mouth, or from another's. Ibid. This sacrilege should also be reported to the secular authorities, even for the first time, after a real ecclesiastical degradation has taken place. Ibid. If someone receives the Eucharist in the morning, and in the evening falls into a state of mortal illness, it is permissible for the parish priest to either give him Communion again that same day, or to abstain; and he cannot be compelled by the Bishop to do either. From the Diocesan Synod, chapter 44, book 7, paragraph 2. Regarding the administration of the Eucharist to children, the Pope rightly points out that the same age should not be desired for children who are at the point of death as for those who are in good health. In the case of those who are dying, it is permissible for the parish priest to judge, after a careful examination, whether they have sufficient understanding to firmly believe in and adore Christ under the sacramental species. From the Diocesan Synod, book 7, chapter 42, paragraph 3. Those who are in good health should possess a greater degree of judgment, so that they may approach the sacrament with due reverence and devotion; and this firmness usually comes between the ages of ten and fourteen. Ibid., paragraph 2. For those who are extremely ill, and who are enduring a prolonged danger of death, it is permissible, and indeed should be done, once, again, or even a third time, to administer the Viaticum, especially if requested by the sick person; but the Pope does not consider it necessary to define how often, or how much time should pass between one Communion and another. From the Diocesan Synod, book 7, chapter 42, paragraph 4. The administration of the Eucharist in private chapels is permitted, although many do not believe it to be forbidden; however, the practice that prevails in Rome forbids it in the Diocese of Bologna. From *Institutiones Ecclesiasticae*, 34, paragraph 42. All priests, whatever their status, are required to receive the sacrament of the Most Holy Eucharist at the Lord's Supper on Thursdays, from the hands of the celebrant, as many decrees of the Holy See state, as Bissum says in *Verb. Communio*, paragraph 383. From *Institutiones Ecclesiasticae*, 38, paragraph 40. EUNUCH. No one may permit an excision to be performed on himself, unless with the advice of a physician.

[*Latin ed. p. 124*]

Concerning the preservation of life; and although some theologians admit that one may consent to his castration in order to preserve the sweetness of his voice, so that he may sing more beautifully in the Church, and thereby procure an honest livelihood for himself, nevertheless, the opinion of those theologians who deny this has prevailed. Furthermore, canonists dispute whether, by virtue of Chapter [unspecified], under the title concerning a vitiated body, a priest who has committed this act may exercise the office of a deacon, or subdeacon, in the Mass. It is certain, by virtue of the same Chapter, that he may be ordained a priest, and may administer

Translated by churchlatin.ai, a product of Boyne Archives

the sacraments of Baptism, Penance, and Extreme Unction, with the license of the Bishop. However, it is clear that a person of this kind incurs a mark of irregularity, and that it does not belong to the Bishop to grant him permission to be castrated. Concerning the Diocesan Synod, book 4, chapter 7, paragraphs 4 and 5. EXAMINERS. Examiners, if they are designated in the Synod only by the name of office, as are the superiors of the Order of Saint Dominic, this does not mean that a successor must be appointed in the same office as a synodal examiner, for it is a matter of the person of Alet in Monteu da Po. Concerning the Diocesan Synod, book 4, chapter 7, paragraph 5. Examiners elected in the Synod, if they should die before the new Synod, then if at least six remain, which number is necessary by definition of Trent, they cannot be replaced by others by the Bishop. If there are fewer than six, then others may suffice, provided they are approved by the Chapter. Ibid., paragraph 7. However, examiners who are added to the number cease to hold office if a year passes, unless the Synod is held in the meantime, as decreed by Clement VIII. In this case, if the Synod is not held within a year after the previous Synod, then if there are not at least six of those designated in the previous Synod remaining, the office of all those remaining also ceases. Therefore, it is necessary that if, after a year, a competition for vacant parishes is to be held, permission be requested from the Sacred Congregation to appoint new examiners outside of the Synod; and this permission, which is always granted, the Bishop must then propose to the Chapter, to be approved by the majority of that Chapter. The Chapter is bound to approve them, if they possess the qualities required by Trent. Ibid., paragraph 40. Examiners more appropriately give their votes by communicating openly with each other, and then by indicating to the notary which of them is approved. The Pope inclines towards this opinion, which is that of Fagnani, in the Diocesan Synod, book 4, chapter 8, paragraph 4. In the judgment of the examiners, the Bishop, or the vicarius acting in the place of the Bishop, has no vote, unless in the case of an equal number of votes, or if there are singular votes; then the Bishop may, if he wishes, add his vote to one side or the other.

[*Latin ed. p. 125*]

but this must be performed in the presence of the same examiners. Thus, from Garcia. Ibid. n. 5. EXCOMMUNICATION. The Major Penitentiary can absolve from all censures of excommunication, suspension, and interdict, as contained in the *bulla* *Cenæ Domini*, Regulars indeed in both forums, but the rest only in the forum of conscience; although he can also absolve them in both forums from public censures promulgated by law, those reserved to the Apostolic See, and even those specifically declared or specifically promulgated by a person, if the jurisdiction of the judge delegated by whom they were promulgated has expired, or when absolution has been remitted to the Roman Pontiff, or when they cannot appeal to their

Translated by churchlatin.ai, a product of Boyne Archives

own judges. However, those concerned are obligated to fulfill the penance, otherwise they relapse into the same censure. If, however, this penance is refused by the party, then the Major Penitentiary shall impose this penance upon him, and nothing further is to be done. *Bulla Pastor bonus*. If a Bishop has imposed some excommunication by general law upon transgressors, and declares them to be immediately to be avoided, even if they have not been publicly and specifically denounced, because their falling into excommunication is recognized by notoriety, this excommunication is in no way maintained, since it contradicts the Constitution of Martin V. Whatever Fagnanus may think to the contrary in chapter "What was done by the predecessor," n. 55, concerning Schisms. Concerning Diocesan Synods, book 1, chapter 8, n. 4. The excommunication in the *bulla* *Cenæ*, by which it is forbidden to the faithful to carry arms, etc., to the Turks, does not affect the faithful who are subject to the rule of the Turks, who provide arms to those rulers, or transport them, provided that they do so with a mind free from any evil intent to harm the faithful. Concerning Diocesan Synods, book 1, chapter 20, n. 6. In response to the requests of the Bishops of Albano Laziale, a rescript was issued by the Congregation of the Propagation of the Faith, ordering the Pontiff not to disturb the faithful, if, with their ships, while there is no war between Christians and Turks, they transport larger or smaller anchors, lances, swords, lead bullets, gunpowder, steel, iron, brass, copper, ropes, and other things suitable for equipping warships, provided that the number and quantity are as they used to be. However, a firm prohibition was made against transporting, whether in time of peace or war, mortars, incendiary projectiles, larger war engines, lead or iron balls of a larger size, and anchors in large numbers. This permission was granted to them, because otherwise they cannot obtain provisions for themselves, and avoid terrible persecutions. Ibid. n. 7.

[*Latin ed. p. 126*]

EXEMPTION. An ecclesiastical exemption from the jurisdiction of one's Bishop is not granted by the Congregation; unless it is clearly proven that acts of severity have been exercised against him, or that there is a just fear that they will be exercised, and even then, only after the Ordinary has been heard, and he has been fraternally admonished to act with greater leniency. De Syn. Diœc. l. 43. cap. 40. n. 30. In such cases, it usually happens that the Ordinary is simply prohibited from proceeding with censures, imprisonment, etc., unless he has first obtained permission from the Congregation, or from the Metropolitan. Indeed, if the accused is caught in the act of committing a crime, it is not understood that the Ordinary's power to proceed against the offender is removed, as stated in the Decree of the Holy Congregation, Ibid.

EXECUTION OF PROVISIONS OF THE ROMAN CURIA. In the Pastoralis regiminis bull, those who obstruct the execution of mandates, cita-

Translated by churchlatin.ai, a product of Boyne Archives

tions, and other provisions of the Roman Curia are subject to a Pontifical excommunication reserved to the Roman Pontiff; and likewise, those who provide assistance, counsel, or favor to those who are obstructing such matters. Regulars and ecclesiastics, on the other hand, incur suspension by such an action, both from the exercise of their orders and of their offices, both of which are censures reserved to the Roman Pontiff. Notaries or registrars who refuse to prepare public instruments for such provisions and executions at the request of a party are deprived of their office of notary and are declared infamous.

FUNERALS. If a testator orders that his body be buried without prayers, psalms, and Masses, and without the association of clergy, with burning candles, his will is not to be followed, as decided by the Holy Rota before Molines on the day of the Funeral in Rome, June 45, 1699. Instit. Eccl. 36. n. 22. Clement XI ordered in an edict read in his Bull, page 347, that in any funeral association, the laws of the Roman Ritual in the title "De Exequiis," §. Constituto tempore, be observed. However, it may happen that in some particular circumstance, the body must be carried in a manner other than that prescribed by the Ritual; but this should not be done without the knowledge of the Bishop, as, for example, if the body must be carried in a covered carriage, which the Holy See has often prohibited, as stated by Petra in the Apostolic Constitution. Parochi associating with a funeral to the Church of Regulars cannot be prevented from entering that church with a cross and a stall, as stated in the bull Pretiosus of Benedict XIII. Ibid. n. 26. The bodies of priests, deacons, and subdeacons are not to be...

[*Latin ed. p. 127*]

It is permissible for Religious to wear a habit other than that of their sacred order, as decreed by Clement XI. Ibid. EXORCISM. It is not permitted for Religious, unless the Bishop consents, to perform exorcisms in their own churches. This is stated in the Encyclical addressed to the Bishops of Poland, with great concern. In the Letter to the Bishop of Augsburg, the Encyclical of Clement XI, dated June 21, 1710, is praised, in which it is ordered that no one performing exorcisms should presume to deviate in any way from the norms of the Roman Ritual. EXPOSITION OF THE MOST HOLY SACRAMENT. The Exposition of the Most Holy Sacrament should not be permitted except for a public reason approved by the Ordinary, even if the church belongs to Religious, as is demonstrated and established by the 21st chapter, 8th section of the Council of Trent; although, for a private reason, it is permitted for Religious to expose the Most Holy Sacrament in their own churches, provided that it is not taken from the Tabernacle, and the Host is veiled, as is affirmed by numerous Decrees of the Holy See. *Institutiones Ecclesiasticae*, 30, paragraph 44 and 42. The practice of openly exposing the Most Holy Eucharist on the feasts of the Saints is condemned by frequent authors. Ibid., paragraph 45. If the Most Holy

Translated by churchlatin.ai, a product of Boyne Archives

Sacrament is exposed within an open Tabernacle, and covered in a pyx, at least six candles must be burning, according to the opinion of the Holy Congregation. Ibid., paragraph 21. However, if this is done outside the Tabernacle, in a veiled Ostensorium, then at least twelve burning candles must be placed. Ibid., number 23. EXTREME UNCTION. The Fathers of the Council of Trent defined that the Extreme Unction is truly a Sacrament of the New Law instituted by Christ the Lord, and commended and promulgated to the faithful by the Apostle James. Its material is oil extracted from olives, to which no other substance whatsoever has been mixed, at least not in perpetual use by the Church; however, if this substance is in a small quantity, so that it does not destroy the appearance of the oil, it does not invalidate the Sacrament in any way. This oil must be blessed by the episcopal blessing, as is gathered from the most ancient tradition of the Popes. However, it is necessary that this oil be blessed by the Bishop, so that it can, without fail, be consecrated by a simple priest, either by an explicit or tacit commission, as is derived from the most ancient custom of the Eastern Church. Thus, the Pope teaches in the *Tractatus de Synodis Dioecesibus*, 1, 8, chapter 4. The formula for the Extreme Unction, expressed in the Roman Ritual, is deprecatory; however, it has never been defined by the Church whether this is necessary in this way.

[*Latin ed. p. 128*]

It is understood that it is not sufficient for the validity of the sacrament if it is conceived only in the indicative mood; for it is well known that that form was never instituted in explicit words. However, it is clear that, except as presented in the Ritual, it cannot be said without grave sin by private authority. Some parts of the body are necessary for the sacrament to be valid; others are necessary by command; and still others may be omitted for a certain reason. Among the latter are the unction of the feet and the loins, for these are omitted in women; and the unction of the head may be omitted with considerable inconvenience. The other five unctions must at least be administered by command: but whether each of them is so necessary that without them the sacrament is not valid, others dispute. If necessity compels, and the sick person is feared to be dying soon, only one sense must be anointed, with the form that the Ritual assigns in such circumstances, but the head should be preferred. From the Diocesan Council, Book 1, chapter 8, paragraph 3. No one who professes the faith of Christ will deny that the ministers of this sacrament are priests, as defined by the Council of Trent, session 14, paragraph 4. Although it can be conferred by several priests at the same time, yet each must anoint with his own distinct sense, with the form due to him; but from ancient times, this practice has been introduced into the Latin Church, outside the article of necessity, so that only one is anointed with the sacred oil, and the entire sacrament is completed, to which no one can conform without mortal sin. From the Diocesan Coun-

Translated by churchlatin.ai, a product of Boyne Archives

cil, Book 8, chapter 4. It is commendable if, while the sacred rite is being performed, several priests, or at least good men, are present, so that the prayer of the whole Church may contribute to the effect of this sacrament, as the words of St. Thomas state, chapter 43, question 4, article 5. Ibid., note 5. All priests can validly administer this sacrament; but it is the right of the parish priest, since he is his ordinary minister. If others dare to do so without the permission of the parish priest, they are acting contrary to the decree in the Roman Catechism. Moreover, religious who anoint the sick, without at least asking the permission of the parish priest, incur a grave fault and are subject to excommunication reserved to the Apostolic See, as stated in the Clementine Decretal, Book 1, on privileges; except in the case of necessity, in which they exercise an act of charity, and not an abuse of authority. These things are said concerning Latin priests, while a different rule applies to the Greeks: for among them it is customary, and not disapproved by the Roman Pontiffs, that in conferring this sacrament, seven priests, or at least three, should be present. Ibid., note 8. The faithful are anointed who are suffering from such a disease that, according to the judgment of experts, death is likely to follow soon; therefore, it must be denied to those to whom certain danger of death is present, such as those about to cross the sea, enter into battle, or be subjected to the ultimate punishment; because they lack the danger of a serious illness. This grave danger of illness is therefore so necessary...

[*Latin ed. p. 129*]

It is the case that the Sacrament administered to the healthy is either null or illicit. The custom of the Greeks of anointing those who are well is not to be considered; for if they do this with the intention of conferring the true Sacrament, they are to be sharply rebuked and prohibited; just as, even at that time, when, as sometimes happens among them, they impose the anointing in place of satisfaction through confessors, the penitents are anointed. Ibid. cap. 5. However, it is necessary for the parish priest to see to it that, in administering this Sacrament, he does not delay the ultimate matter of life; but rather, he should act promptly, when the sick person is still not deprived of his senses, and can still, with the prayers of the priest, avail himself of it. He must also see to it that he does not deny this Sacrament to those who request it, for if he denies it to them, or does not offer it, he would commit a grave fault. Because there are not lacking those who believe that a sick person who refuses to receive the sacred unction is guilty of a deadly sin, although it can rightly be considered that this refusal is due to contempt of the Sacrament. Ibid. c. 7. To children, before the use of reason, it is not to be given, according to the perpetual teaching of the Church, although, in order that it may be done licitly, that age should not be awaited longer than that at which they are considered capable of receiving the Sacrament of Penance. Also, the demented and

Translated by churchlatin.ai, a product of Boyne Archives

the insane are to be perpetually anointed, those for whom there has been a constant state of dementia throughout their lives. Constant, I say, for if adults have at some time attained the use of reason, and then fell into dementia, after they have been able to commit some crime, they must certainly be anointed. Ibid. cap. 6. But what if, suddenly struck by illness, they fall into dementia, so that they are least able to ask for the Sacrament? These should be helped with this Sacrament, especially if they cannot be helped by the remedy of the other Sacraments because they are deprived of their senses. Ibid. cap. 6. The order in administering this Sacrament has not always been the same throughout the Church, since some have anointed the sick immediately after sacramental absolution, before the Eucharist, while others have anointed them after the Eucharist; although the discipline of the Roman Church, as expressed in the Catechism of the Council of Trent, preserves the latter way of acting, the reason of equity demands that it not be departed from. Ibid. cap. 8. If the same illness and danger persist, it is not permitted to repeat this Sacrament; but if the force of the illness has so subsided that the danger of death seems to have passed, and then it recurs again, and a new danger of death arises, then the anointing must be performed again. Ibid. However, when there is doubt as to whether the condition of the sick person has changed, or whether it remains the same, it is advisable for the parish priest to consider whether the Sacrament should be repeated. Ibid. He sins gravely who delays too long in administering Extreme Unction, when the sick person is already beginning to lack all hope of salvation, life, and senses. These words are from the Roman Catechism on Extreme Unction. Ibid. num. 3. Whether the parish priest is obliged to administer this Sacrament to those suffering from the plague, has been said in V. Parochus. Whether it is permissible to do so with an instrument, namely a pen-

[*Latin ed. p. 130*]

In this case, the body of a sick person infected with the plague is anointed; it is asserted, however, that this custom has hitherto been unusual in the Church. From the Diocesan Synods, Book 43, chapter 19, paragraph 47. It makes no difference whether this Sacrament is conferred by one or by several priests, according to the custom of the Greeks, provided that they believe that it can validly and lawfully be done even by one. However, it is necessary that the Greek priest who anoints should pronounce the formula himself.

The pastoral bull: On festive days, servile works are prohibited, not even for rural laborers; however, they are permitted if there is a true and urgent need, and not a feigned one. A feigned need is said to be that in which works that could be done on the preceding days are postponed to the festive day. However, permission must be requested from the superior if any necessity arises. This permission is usually granted by the bishop

Translated by churchlatin.ai, a product of Boyne Archives

to rural parish priests for agricultural work, such as the loading of carts, the harvesting of crops and fruits, the cutting of grass, the gathering of hay, when there is imminent danger of the true season, or when it must be transported to the city the following day, and it cannot be conveniently postponed. From the Church Institutes, 55, paragraph 33, etc.

Millers cannot engage in milling, even if the mill is turned by water, or by animals, or by the wind; I say, they cannot do so unless there is a customary practice, or a necessity: and if that necessity exists, in the diocese of Bologna, permission is not granted by the parish priest, but by the archiepiscopal court. Ibid., paragraph 37. Fishing among servile works is prohibited on festive days; however, if there is an urgent need to fish, because during certain days of the year there is a migration of fish, so that if that period of time passes, no fishing would be possible, then it has been granted to poor fishermen that they may engage in that work, provided that they do not do so on the feast of the Nativity of the Lord, the Epiphany, Easter, Ascension, Pentecost, and the Body of Christ, as was formerly granted to the people of Treves by Alexander III. From the Diocesan Synods, Book 43, chapter 48, paragraph 40.

FAITH. The acts of Faith, Hope, and Charity must, by accident, be elicited when we are faced with some temptation, and we cannot overcome it unless by the efficacy of those acts. From the Church Institutes, 72, paragraph 20. It is not sufficient to fulfill these three precepts, either by virtual charity, which is exercised in obeying divine precepts, or by virtual faith, as is affirmed by many. From the Church Institutes, 72, paragraph 20. If anyone, for a sufficiently long time, neglects to elicit the acts of Faith, Hope, and...

[*Latin ed. p. 131*]

Charity strengthens him, lest he be exposed to the danger of eternal salvation. Ibid., n. 24. It is not permitted for Christians living under the dominion of the Turks, or for Turks who, while living there, are converted to the faith, to retain, or to adopt, Turkish names; for this pertains to the external profession of the faith. See *Constitutiones Inter Omnigenas*, concerning the inhabitants of the kingdom of Serfidsche and neighboring regions; and the Congregation of the Universal Inquisition, in a rescript addressed to the requests of the Bishops of Albano Laziale, decreed the same. See *De Synodo Dioecesana*, Book 1, chapter 43, section 20, n. 9. Christians who apostatize to the Turks, and then return to the faith, are obliged to publicly abjure their apostasy before the faithful; but before the infidels, it is not necessary, but it suffices that they abstain from acts of infidelity before them, that they lay aside the garb of the false religion; and that they take care that, with the passage of time, the infidels recognize, either from themselves or from others, their abjuration, even at the risk of their lives. Thus, according to the Decree of the Holy Inquisition. Ibid., n. 47. However, in the

Translated by churchlatin.ai, a product of Boyne Archives

decree preserved in the archives of the Holy Inquisition, this addition is not found: "that they take care that, with the passage of time, etc.," therefore, the faithful are not obliged to do so. Ibid., n. 48. GREEKS. Greeks living in Italy cannot receive ordination, unless from a Greek Bishop established in Rome, or from another Greek Bishop in Calabria, in the town of St. Benedict, in the diocese of Ullana Bisimiana, as stated in the Constitution of Clement VIII, number 34, which was confirmed by Benedict XIV by a bull, number 57. See *De Synodo Dioecesana*, Book 1, chapter 2, section 42. Although they sometimes have their own apostolic vicars appointed from among the Greeks, nevertheless, both the vicar and the other Greeks are in every way subject to the jurisdiction of the Latin Bishops. Ibid., n. 8. The Greeks are not obliged to pronounce the words "and the Son" in the Creed, although they must believe them. However, wherever the custom prevails, as also among the Greeks living in any region of Italy and the adjacent islands, if they have been required by the local Ordinaries for some legitimate reason, they are entirely obliged to add those words. All of this is stated in the bull *Etsi Pastoralis*. It is permitted for them to celebrate the Eucharist with leavened bread; however, they must believe that it is truly consecrated even in the unleavened bread. Ibid., n. 4. Furthermore, those who have died in the charity of God, but not yet fully purged through penance, are to be expiated in the next life by the pains of purgatory, to which the prayers of the living faithful will be helpful. Furthermore, the souls that have been purged are immediately received into heaven for the intuitive vision of God. But those who die with mortal sin, these are consigned to hell.

[*Latin ed. p. 132*]

Likewise, those who are guilty of unequal punishments should be punished with punishments proportionate to their offense. Furthermore, the primacy of the Roman Pontiff over the entire Church must be added to these. Ibid. HERETICS. Hidden heretics can be absolved in the forum of conscience by the Major Penitentiary, or by his mandate. Truly hidden are those who, although they have manifested their heresy through external actions, have not been seen by anyone. Thus, in the bull *Pastor bonus*. The Major Penitentiary can also absolve public heretics, or those who have apostatized from the faith, in the forum of conscience, when it is not necessary to denounce their accomplices, namely, when they are dead, or when they live in places openly infected; but not if they live where the office of the Inquisition is in force. Ibid. Princes, or those who preside over states and republics, and their administrators, or those who have charge of administration, as well as Bishops and superiors, in public cases contained in the bull *Cæna Domini*, cannot be absolved by him. Ibid. § 14. Nor can all others, even Cardinals of the Holy Roman Church, be absolved by him from incurring censure, if, while the Roman Pontiff is alive, they have treated of the matter of electing or excluding someone, or have given their

Translated by churchlatin.ai, a product of Boyne Archives

votes, or have engaged in intrigues or made agreements. Ibid. § 12. Nor can he absolve those who, through judicial astrology, either by themselves or through others, have inquired about the state of the Christian republic, or about the life and death of the then-existing Roman Pontiff. § 13. Finally, he cannot, in public cases involving a violation of ecclesiastical immunity or liberty, even if they have not been brought to judgment. § 14. The Bishop is also bound, even in places where the office of the Holy Inquisition is in force, diligently to ensure that the diocese entrusted to him is purged of heretics, and if he finds anyone, he must punish them with canonical penalties; he must, however, take care not to hinder the Inquisitors from performing their duty. Once a heretic has been brought before his tribunal, both the Bishop and the Inquisitor can reconcile him with the Church, and absolve him for both forums. Indeed, after the heretic has renounced his errors, they can refer him to a simple confessor for absolution, which, when given by the confessor in the sacramental forum, is equally valid for the external forum. Thus, in *Tr. De Syn. Diœc. 1. 9. c. 4. n. 3*. A purely internal and mental heresy, not manifested by any external sign, can be absolved by a simple confessor; since heresy is reserved to the Supreme Pontiff by the attached censure, which certainly does not exist in this case.

[*Latin ed. p. 133*]

It is possible for a simple confessor to absolve [someone] who, through some word or deed, has denied an article of faith, but who, in his inner mind, retains the faith, for in such a case, the circumstances of the matter do not warrant censure. Although, in the external forum, [such a person] might be punished as a heretic, and [he] might not be able to demonstrate that [he] retained the faith in his heart. Ibid., n. 4. However, if we are speaking of external heresy, which has not yet been brought before the Bishop, then, formerly, the Council of Trent, in session 24, chapter 6, granted Bishops the faculty to absolve [someone] from it, either by themselves or through their vicars, in the forum of conscience. But, since the absolution from the crime of heresy, among other things, is reserved to the Roman Pontiff in the bull published each year, and in that bull, all contrary decrees of any council are repealed, the question arises among theologians whether Bishops still retain the faculty of absolving heretics in the forum of conscience. However, it is denied to them that they have this faculty; for, notwithstanding the words of any council, all the faculties granted by the Council of Trent to Bishops are permitted. In this matter, many decrees of the Holy Office and of the Congregation of Councils are cited, and the oracles of St. Pius IV, Gregory XIII, and Clement VIII are added, not to mention proposition 3, which was condemned by Alexander VII. The opinion asserting that the Bull of Union only prohibits the absolution of heresy and other crimes when they are public, and that it does not derogate from the faculty of the Council of Trent, in which the matter of hidden

Translated by churchlatin.ai, a product of Boyne Archives

crimes is discussed, was seen and approved by the Most Holy Cardinal in the Sacred Congregation on July 18, 1629. It must be admitted frankly that this proposition was based on a false assertion about the approval of the Holy Congregation, which was none. However, it is scarcely believable that the Pope would have been so concerned about removing this approval from that proposition, unless he had also judged the proposition itself to be improbable. Concerning the Synod of Diece, book 9, chapter 4, n. 9. But it cannot be believed that the faculty of absolving from heresy has been granted to Gallican Bishops, although many claim it, as is demonstrated by many arguments in chapter 5. What is denied to Bishops must also be denied to the Inquisitors of Spain and Portugal, to whom, if they ever had any authority in this matter, it has now been removed by the Bull of Union. Ibid., chapter 5, n. 4. HOMICIDE. In the case of homicide, even voluntary homicide, the Major Penitentiary can grant dispensation, so that [the person] may enter the approved religious order, even as a cleric, provided that certain conditions are met, as the Pope states in his bull, *Pastor bonus*.

[*Latin ed. p. 134*]

FASTING. The dispensation obtained for eating meat during Lent does not entirely exempt from the obligation, since those who are dispensed are declared to be bound to abstain, and it is not permitted to mix permitted and prohibited foods. Constitution. We do not doubt this. However, the mixing of meat with fish is forbidden. Thus, the Pope declared in his Letter to the Archbishop of Compostellæ. In the evening meal, those who are dispensed must abstain from meat, and may not taste anything other than what those who are not dispensed eat. Ibid. They must observe the hour prescribed for those who are fasting during the meal. Ibid. That which is prescribed regarding not mixing meat with fish must also be observed on Sundays during Lent. Both of these precepts, namely, the single meal and the avoidance of mixing meat with fish, apply even during fasts outside of Lent. Ibid. Those who use eggs and dairy products by dispensation are, however, bound to abstain from fish. Ibid. Bishops are instructed to be accommodating when granting general dispensations from the discipline of fasting for towns and districts, but first they should consult with more experienced physicians, and inquire of them whether a disease is common, so that no age group can be free and safe, and whether it would greatly contribute to the preservation of health if a dispensation from meat were granted; and then they should request it. Alia, which must be observed, is explained more fully in the Encyclical Libentissimē, etc. The Pope tolerates the drinking of chocolate on days of fasting. Institutiones Eccl. 45, n. 40. However, he scarcely admits to a larger quantity, and does not at all tolerate it being repeated frequently on the same day. Ibid. It would not be permitted without great abuse for sons or servants to not observe the fast of Lent regarding the abstinence from meat, because if the head of the family is

Translated by churchlatin.ai, a product of Boyne Archives

dispensed, and it is not sufficient to provide for the expenses of two tables, this would not be permitted without great abuse. Institutiones Eccles. 45, n. 25. Benedict XIV, in his Constitution Pias Christi fidelium, again grants to each member of the Brotherhood of St. Mary of Succor, established in the city of Januæ, residing within the territory of Januensi, and fulfilling the statutes, or pious works prescribed therein, the privilege of eating eggs and dairy products on certain days of Lent, namely, on Sundays, Mondays, Tuesdays, and Fridays. Furthermore, this privilege previously granted is extended by the same bull to all weekdays of Lent.

[*Latin ed. p. 135*]

Even the Lord's Days, including the Sunday of Palms and the greater week, which had previously been excepted in the prior privilege. However, this exemption does not extend to Archbishops, Bishops, inferior Prelates, nor to all religious orders, and also not to secular clergy who have been promoted to the order of the priesthood, unless they have completed their sixtieth year of age. Nevertheless, all those who are exempt are subject to the laws of fasting, namely, to eating only one meal in the day. They are also granted the privilege of being absolved from simple sins by a confessor, only twice in their lifetime, from those reserved to the Apostolic See, as well as in articulo mortis. Furthermore, it is declared in § 3, that this faculty of obtaining absolution does not include those matters reserved by the Ordinaries of the place.

SACRED IMAGES. It is not permitted to depict the Holy Spirit in the form of a human being, since this has never been permitted in the Church. In the Letter to the Bishop of Augustanum, nor is it permitted to depict three equal individuals to represent the Most Holy Trinity.

LOCAL IMMUNITY. In addition to those exempted in the Bull of Gregory XIV, Pope Benedict XIII, in the Bull *Ex quo divina*, decreed that the following should also be excluded from local immunity:

I. Those who prevent anyone from seeking refuge in a place of immunity, or who forcibly remove someone from such a place.

II. Those who intentionally and deliberately kill another.

III. Those who falsify Apostolic letters.

IV. Those who are guilty of theft, or commit any other fraud, in the Monte di Pietà, or in a public place where money is deposited, commonly called a bank; from which crime the monetary chest is diminished, so that ordinary penalties may be applied.

V. Those who deface or damage gold or silver coins of any prince, even foreign ones, which are in circulation in the place where the crime is committed; or those who knowingly spend such defaced coins, so that they may be considered aware of and complicit in the fraud.

VI. Those who, pretending to be servants, enter a house with the inten-

Translated by churchlatin.ai, a product of Boyne Archives

tion of stealing, but at the same time commit murder or mutilation against those who also happen to be in that house, and achieve their intended result.

VII. Murder committed in a quarrel, if the accused is found guilty through due process, or is banished for that reason. This applies only within the ecclesiastical jurisdiction. *Instit. Eccl. 41, n. 21.*

In the same Bull, he deprives of immunity those who, while standing in a church or cemetery, kill those standing outside those places, and vice versa.

[*Latin ed. p. 136*]

From this immunity, however, are excluded not only those who violate the same Church, but also all others. Book, number 22. He also declared that such individuals are to be considered highway robbers; if they have committed even a single homicide, or mutilation, even on a public road. Book, number 23. This applies equally to those who order, who have promised a certain reward to the perpetrator, even if they have not given it, but a homicide or mutilation has been committed. Pope Clement XII confirmed this bull with his Constitution *In supremo*, and extended it even to ecclesiastics who are murderers, as well as to those over the age of twenty, declaring that all are included, if they have provided counsel, instigation, cooperative assistance, or any other aid to the murderer, from whose individual wicked acts the homicide resulted. He added that evidence sufficient to hand over the accused to the secular judge is sufficient if there are at least those things that are valid for torture. However, he decreed that this should only apply within the ecclesiastical jurisdiction. Finally, Pope Benedict XIV, in his bull *Officii nostri*, confirmed all of these, and declared that it also includes ecclesiastics, and women accused of homicide, as well as those who commit murder with a stick or stone. However, he exempted those cases where the homicide was committed accidentally, or in necessary defense; for he restricts this to cases where it is done out of hatred, and with the intention of causing harm. He also declared that if it should happen that someone is wounded to the point of death, and the perpetrator immediately flees to the Church, before death ensues, then if surgeons report that there is a grave danger to life, then the accused may be taken out of the Church, and handed over to the prisons, provided that, if the wounded person lives beyond the time established by the laws, he is returned to the Church. He confirms the Constitution of Pope Benedict XIII in this regard, that the power to demand the removal of those who have committed a crime from the place of immunity belongs to the Bishops (a power that may be granted if there is evidence for imprisonment), so that, if the place is not within any diocese, then recourse must be made to the nearest Bishop for that power, and always, when a removal is made, there must be an ecclesiastic appointed by him present. After the removal

Translated by churchlatin.ai, a product of Boyne Archives

has been made, a process is initiated by order of the Bishop; if sufficient evidence for torture is found, then the accused must be handed over to the secular judge (obliging him under a sentence of excommunication, as if the accused has cleared himself of the charges, he is returned to the Church). If the homicide was committed in places far from the Bishop's residence, he orders that, by order of the Bishop, the necessary evidence for the removal be legally collected by the vicars forane, and immediately transmitted to the Bishop. Those who violate the sacred immunity, even with regard to penalties, are declared to be those who remove or imprison without recourse to the Bishop.

[*Latin ed. p. 137*]

Those places are declared sanctuaries, so that no provisions are brought to the accused, or else they compel the accused to surrender to the secular court. Those who act in this way forfeit their right to sanctuary. If there is a custom among neighboring princes that, when those who commit homicide are apprehended within the jurisdiction of either, they are handed over to the prince in whose territory the crime was committed, the Bishop of the place where the homicide occurred orders that the evidence be investigated, and it is transmitted to the Bishop of the sanctuary, to whom the mandate is given to proceed with the investigation. However, this decree was issued only for ecclesiastical jurisdictions, and for those princes who requested it. Heretics, or those suspected of heresy, and Jews who have lapsed into apostasy after baptism, can be investigated by the Inquisitors, but the Bishop must be notified, either before or after their capture. Encyclical addressed to the Inquisitors, recently issued. Whoever escapes from a place of banishment, or from prisons, or from ships, to a sanctuary, unless they are guilty of crimes that forfeit the right to sanctuary, enjoys the right of sanctuary. Ibid., n. 5. Penalties against those who disturb the peace of the sanctuary also apply to those who prevent an ecclesiastical judge from hearing cases in which he has only cumulative jurisdiction. Church Law, 40, n. 40. If someone is fraudulently extracted from the Church, and is apprehended outside of it, not by force or by a safe conduct, this fraudulent extraction is not permitted, as stated in the Decree of the Holy See of December 22, 1746. Church Law, 41, n. 9. INDULGENCES. Only the Roman Pontiff can grant plenary indulgences, to whom the keys of the Church's treasures have been entrusted. Council of Trent, Session 22, Chapter 8, n. 7. To all Bishops, the faculty is granted by law to grant an indulgence of forty days, and of one hundred days on the dedication of a church, as stated in the decree "Cum de eo pænit." Cardinals, however, receive an indulgence of one hundred days. This indulgence also benefits those in regular orders: for their exemption should not be turned against them. Church Law, 63, n. 46. The Vicar Capitular must abstain from granting any indulgences. Thus, according to the decrees of the Holy See, Council of Trent, Session

Translated by churchlatin.ai, a product of Boyne Archives

22, Chapter 8, n. 7. It is not sufficient to perform the works prescribed for obtaining an indulgence if one is already obligated to perform them under another title, such as by reason of justice, etc. Encyclical on Questions concerning the Jubilee Year, § 4. Indulgences granted by the Pope to those who visit a church after confession and communion do not require that the church be visited after confession and communion: it is sufficient that, if the church is visited before confession and communion.

[*Latin ed. p. 138*]

The state of grace, however, is considered to be established on the same day of Communion, as affirmed by many theologians. *Instit. Eccl. 48, n. 40.* If anyone visits a church more than once on the same day where an indulgence is granted, this does not mean that they acquire the indulgence more than once, according to the decree of the Sacred Congregation, under Innocent XI, on March 7, 1678, in the declaration concerning indulgences acquired during a Jubilee. The Pope has reformed the indulgences granted to Brothers and Sisters of the Third Order of Saint Francis, whether living in community or in private homes, and has enumerated them individually, revoking all others in the bull concerning the new granting of such indulgences. These are: A plenary indulgence to those who, having confessed and received the Holy Eucharist on the day they enter the order. Also, a plenary indulgence to those who, having confessed and received Communion on the feast of Saint Francis, October 4th, of Saint Clare, the titular saint of the church, oratory, or chapel of the same Third Order, or on the feast of the dedication of the Church of the Angels at Porziuncula, provided that they devoutly visit the church itself, etc., and pray according to custom. A plenary indulgence to those who are in articulo mortis, having confessed and received Communion, and who, either aloud or, if they are unable to speak, at least in their heart, invoke the name of Jesus. To those who visit a church of the Third Order, or an oratory or chapel on the days of the stations described in the Roman Missal, and who pray there according to custom, the same indulgences are granted as those obtained by visiting churches in the city and outside of it on those same days. To those who, having confessed and received the Holy Communion on the feast of the Stigmata of Saint Francis, of Saint Louis of France, of Saint Elizabeth of Portugal, and also of Saint Elizabeth of Hungary, of Saint Margaret of Cortona, and on twelve other weekdays or Sundays chosen at will and approved by the Superiors of the order, and who visit and pray as above, an indulgence is granted each year of seven years and the same number of quadragenaries. They also gain one hundred days of indulgences each time they attend Mass or the Divine Office celebrated in the church, as mentioned above, or at public or private gatherings of the same Order, wherever they may be held; if they have received the poor into their homes, have made peace or promoted peace, have assisted in burying the bodies of the deceased, or

Translated by churchlatin.ai, a product of Boyne Archives

have participated in processions with the permission of the Ordinary. The Sacrament of the Holy Eucharist is also present in processions, and when it is brought to the sick, or, if they are unable, they have recited the Our Father and the Angelic Salutation in response to the sound of the bell. Also, if anyone recites the Our Father and the Angelic Salutation five times...

[*Latin ed. p. 139*]

For the needs of the Church, or for deceased brothers and sisters, they shall have recited prayers. Also, if they have brought a sinner to repentance, or if they have taught Christian doctrine to the uneducated. Finally, whenever they have performed another work of piety or charity. Indulgences are granted to the brothers and sisters of the Third Order of Saint Francis of Paula by the Pope, in almost the same manner as those granted to those who belong to the Third Order of Saint Francis of Assisi, except that they obtain a plenary indulgence on the feast of Saint Francis of Paula, Saint Francis of Sales, the Dedication of Saint Michael the Archangel, and on the feast of All Saints, if they visit a church of the Order, if there is one there, and if not, one in the city or place where they live. The other indulgences are entirely the same as those for the Tertiaries of Saint Francis of Assisi. As for the members of the Cord of Saint Francis of Paula, they obtain a plenary indulgence if they wear a cord blessed by a brother of that Order, or by someone delegated by the superiors of the same Order, on the day they put it on, after having confessed and received Holy Communion, just as they obtain a plenary indulgence on the feast of Saint Francis of Paula, as mentioned above; and finally, a plenary indulgence at the hour of death, in the same way as the Tertiaries of Saint Francis of Assisi. They also obtain a daily indulgence of one hundred days if they offer prayers in honor of the Lord Jesus Christ and the Holy Apostles. Finally, the members of the Cord, as well as the Tertiaries, obtain an indulgence of sixty days for each good work performed, in which they differ from the Tertiaries of Saint Francis of Assisi, who gain one hundred days. They can apply all these indulgences for the deceased. The Bull concerning the indulgences of the Tertiaries of Saint Francis of Paula is entitled "Inexhausti." Plenary indulgences at the hour of death are to be granted by the Bishops through a blessing. See "Bishop." Those who publicly or privately teach the rules of mental prayer, and the method, and those who have listened to such public instruction, provided they are truly penitent and have received Holy Communion, obtain, as often as they gain it, seven years and seven quarantines of the true indulgence. Also, if they meet regularly, once a month, truly penitent and having received Holy Communion, and praying for the usual indulgences, they gain a plenary indulgence, which can also be applied to the deceased, just as those who dedicate at least a quarter of an hour each day for the entire month to mental prayer, provided they are truly penitent and have confessed, have received the Eucharist, and pray for concord, etc. All of this

Translated by churchlatin.ai, a product of Boyne Archives

is granted by the Pope in the Bull "Quemadmodum." There can be no doubt about the validity of the indulgence of the Porziuncola, and its extension to all other churches of the Order of Saint Francis; there is no authentic document to the contrary, and the Roman Pontiffs have been aware of this and have not contradicted it. See "Synod. Diœc. 1. 43. c. 48. n. 5." Also, there is no doubt about the indulgences of the Lateran Church, which have been approved by it, and...

[*Latin ed. p. 140*]

Pope Benedict XIV, in the bull *Assiduæ sollicitudinis*, granted [indulgences] in their entirety. Pope Clement VIII abolished indulgences in the form of a jubilee, and some other Popes have done so. Therefore, if we are speaking of an indulgence of a similar nature, it must be determined whether it was granted after these decrees, as stated in *Tractatus de Indulgentiis* by Father Theodorus, part 2, chapter 4, section 2, page 9. Pope Clement XII, in his brief dated August 14, 1736, granted a plenary indulgence to those who, on any day of their choosing each year, recite the psalm *De profundis* before the hour of night, or once the Our Father and the Angelic Salutation, with the verse *Requiem in suffragium defunctorum*; provided that on that day they have confessed and received Holy Communion, and have offered prayers according to the usual custom. Furthermore, those who recite these prayers on each day, as many times as the bell rings, gain one hundred days of indulgence. *Instit. Eccles. 64 n. 5.*

INFIDELITY. The following are signs of infidelity, as the Pope indicates in his decrees for the inhabitants of the kingdom of Serfidsche, beginning with *Inter omnigenas*: to adopt Turkish names, to frequent the temples of the infidels, namely mosques, to profane the days of fasting by consuming meat, in order that the Mahometans may believe. He also condemns those sins which involve requesting that their bodies be buried by the Turks, with the assistance of those people and with Mahometan rites.

INTERDICTED. Those who are under interdict cannot assist at Mass or at divine services; nor can Mass be celebrated before them in the church. It pertains to the ministers of the Church to eject them; however, if force must be used, and this is done with scandal or even unjustly, then, according to Suarez, the Mass that has already begun should not be omitted. *Inst. Eccl. 55 n. 44.*

Those who are under interdict, whether they can enter the church only to pray, is a question that is debated among the Doctors. *Ibid.* Those who are under interdict for violating the precept of Holy Communion, if they are contumacious, can be excommunicated by the Bishop, as is affirmed by the Doctors. *Inst. Eccles. 55 n. 44.*

IRREGULARITIES. The Major Penitentiary handles cases in secret, and

Translated by churchlatin.ai, a product of Boyne Archives

for the forum of conscience.

[*Latin ed. p. 141*]

He grants dispensations only in cases of irregularity arising from any offense, or from a defect, both with laymen and with clerics, whether secular or regular, so that they may be admitted to the orders, or may minister in the duties they have undertaken, may advance to higher ranks, and may retain dignities, even those of cathedrals, and any ecclesiastical benefices, whenever otherwise canonically obtained; and also so that such benefices and dignities (except in cases of voluntary homicide, or other very grave offenses, in cathedral and metropolitan churches) may be obtained even after an offense. *Bulla Pastor bonus*. It is added there that, concerning irregularities with regard to religious, a dispensation may be granted so that they may advance to any regular offices and benefices, except for the Generalate of an Order, in cases of irregularity arising from a defect of birth. Ibid. § 34. This dispensation is granted only in the forum of conscience, in hidden cases; in public cases, it is granted in both forums, after hearing the superiors. Ibid. § 32. A cleric who takes the name of a soldier is, by that very act, deprived of his benefice and pension, as stated in the decrees of the Roman Rota. *Inst. Eccl. 401, n. 48*. Concerning this irregularity, consider this: a cleric, established in holy orders and bearing arms in the service of a lay prince, if he participated in hellish expeditions, in which homicides, thefts, robberies, and arson occurred, it is much more probable that he has incurred an irregularity, even if he is morally certain that he has not mutilated or killed anyone, as stated in the decree of the Sacred Congregation in Ipren. It appears that he can be freed from this irregularity. Ibid. n. 40. The same may perhaps be affirmed of a cleric holding a minor benefice, since those things which are forbidden to clerics in holy orders also apply to clerics holding benefices. Ibid. n. 23. Clerics holding minor benefices, if they have served in an unjust war, even if they themselves have not killed or mutilated anyone, if, however, the side on which they serve has committed homicides or mutilations, this induces an irregularity in those clerics, because in that case the cleric makes his body one with his companions, and further contributes to an illicit act. Ibid. n. 8. Furthermore, if he served under his own prince, and did not certainly know that the war was unjust, he is not obliged to investigate whether it was just or not, but he may believe that the war was just. Ibid. n. 47. The same may probably be said of a cleric serving under a foreign prince, because it would be impossible for him to investigate whether that war was just or unjust. Ibid. n. 47. If, however, the war was just, and a cleric, being morally certain that he has not killed or mutilated anyone, even if this act was committed by his companions, does not incur an irregularity, as stated in chapter "Petitio," concerning voluntary homicide. Ibid. n. 40. Finally, if the war is just and defensive, and a cleric is ordered to take up arms, and if sufficient means

Translated by churchlatin.ai, a product of Boyne Archives

are not available for the defense of the lay person, he does not incur an irregularity, even if he kills. Ibid. n. 9.

[*Latin ed. p. 142*]

Illegitimate [children] are irregular by defect, and therefore are incapable of receiving orders and benefices; nevertheless, for minor orders and benefices that do not involve the care of souls, the Bishop can grant them a dispensation; but only the Roman Pontiff can grant a dispensation in all other cases, as is stated in chapter *Is qui*, concerning the sons of priests, paragraph 6; in *De Synodo Dioecesana*, book 43, chapter 24, paragraph 41. The illegitimate children of clerics cannot receive benefices and pensions in churches in which their parents obtained some benefice, even if it is different, nor can they serve in those same churches; nor can they have any pension from the fruits of benefices that were held by their parents, according to the 25th session of the Council of Trent, chapter 15, concerning reforms. Just as there are no reciprocal resignations made by parents to clerics in favor of their sons, so that such resignations would benefit the sons in any way. In *De Synodo Dioecesana*, book 43, chapter 24, paragraph 43. Moreover, even the illegitimate son of a deceased parish priest cannot perform the office of confessor in that church which the parish priest obtained, as is stated in the words of the Congregation forbidding that the sons should serve in that church in any way, and from the response of the Holy Congregation, book, number 14. Conversely, if the father served as a chaplain in some church at the will of another, his illegitimate son can perform the same office there; for this is not a benefice or pension, as is stated in the response of the Holy Congregation, ibid. If, however, the father obtained some dignity in a church, the illegitimate son cannot participate in the emoluments that priests customarily receive there after a certain period of service, based on the response of the Holy Congregation, ibid. If the patron of a benefice murders the rector, then the sons of the rector and their descendants up to the fourth *gradum* become irregular, according to chapter *In quibusdam*, concerning penalties: understand, however, that this applies to sons born after the murder, and not before; which is the interpretation admitted by the Holy Congregation itself, ibid., paragraph 24, and the patron and those called to the patronage by him lose their right. Ibid. If the father falls into heresy, even the son will be irregular, according to chapters *Quicumque* and *Statutum*, concerning heretics, paragraph 6. But if the father abandons heresy, the irregularity of the son is removed, as is stated in the responses of the Holy Congregation, ibid. In dispensations granted for the irregularity of sons born illegitimately, it is customary to add the clause: provided that he is not an imitator of his father's incontinence; therefore, the Bishop must inquire into him and investigate whether he has demonstrated good morals for ten years, and if he has not been found to have done anything unworthy during that entire

Translated by churchlatin.ai, a product of Boyne Archives

decade, then the Bishop can grant him the dispensation, even if he had been suspected of incontinence before that decade, according to the decrees of the Holy Congregation concerning the diocesan synod, *dices*, book 43, chapter 24, paragraph 22.

[*Latin ed. p. 143*]

JUBILEE. In the jubilee year of 4750, Pope Benedict XIV suspended all indulgences for the entire year, except for those indulgences already granted in articulo mortis, both those imparted by Bishops by apostolic concession, as well as others commonly or personally granted for the same purpose; also, those obtained by the faithful reciting the Angelic Salutation at the sound of the bell. Also excepted is the seven-year indulgence, and the same number of Quarantines, granted by Pope Benedict XIII during the preceding jubilee year, to those who, having received sacramental confession and the Holy Communion, or at least being truly contrite, visit the churches in which the Sacrament of the Eucharist is exposed, and pray according to custom. Also excepted are those granted by Pope Innocent XII to those who accompany or send the Sacrament of the Eucharist to the sick. Also, those granted by legates, and apostolic messengers, and by Bishops in the exercise of their pontifical functions, or in imparting blessings. Furthermore, he allows the continuance of the indulgences of the altars, for the benefit of the dead, and he declares that all other indulgences granted to the living are also valid for the dead, so that they may also acquire these indulgences, even if the extension of these indulgences to the dead is not expressly stated in the briefs. He also suspends for the entire year all faculties reserved to the Apostolic See for absolving from ecclesiastical censures, for relaxing penalties, for changing vows, and for dispensing with them, and for removing other irregularities granted to churches, monasteries, etc., and to pious institutions, masters, and superiors, both secular and mendicant, so that even during this entire year, they are not able to grant indulgences which they were accustomed to grant through crowns, grains, images, and metal coins, etc. See the bull *Cum nos*. However, he retains the faculties of Bishops, and other supreme prelates, with regard to their diocesans, in those matters which they obtain by virtue of the decrees of Trent and by papal concession, in order to dispense and absolve, which also extends to regular prelates with regard to their subordinate religious. Regarding the works prescribed for this jubilee, the Pope expresses his intention in his Encyclical *Inter præteritos*, § 2. He states that he intends to receive not only a sacramental, but also a sacramental and spiritual communion. He includes sacramental confession among the prescribed works, so that it is absolutely necessary, even if one is free from a grave sin. The day within which the visitation of the basilicas must be completed is freely chosen, either from the vespers of the preceding day until the vespers of the following day, or from midnight to midnight. Those who have undertaken

Translated by churchlatin.ai, a product of Boyne Archives

the Roman pilgrimage, or who have arrived in Rome, and Vol. VI. 8

[*Latin ed. p. 144*]

Sudden impediments, or the incursion of death, having prevented them from performing the assigned tasks; having been absolved through confession, and strengthened by the Holy Communion, they celebrate the Jubilee. The Penitentiaries declare that they have suspended all their faculties for absolving from reserved cases, and for granting dispensations, whether those granted for the sake of certain indulgences, or those granted for another reason. The Penitentiaries of the Basilicas in Rome can hear the confessions of religious, although other constitutions of the same religious order, or privileges approved by the Holy See, may prescribe otherwise. The Minor Penitentiaries in Rome can grant dispensations, not only from simple vows, but also from those that have been confirmed by oath. Furthermore, they can absolve priests who are guilty of ecclesiastical censures, and they can grant dispensations from irregularities contracted solely due to the violation of ecclesiastical censures; and they can perform these tasks even for other clerics who are not priests. If someone has been dispensed from visiting the Basilicas, he is not continuously dispensed from other assigned tasks, nor even from prayers, which can be separated from the visitation of the Basilicas. It is not sufficient to perform those assigned tasks which someone is otherwise obligated to perform under another title, such as under the title of justice. The confessor cannot, during the Jubilee, absolve someone who has been guilty of a crime in matters of lust with him. The Penitentiaries, outside of the Basilicas or churches assigned to them, cannot use the faculties granted to them, nor can they do so except during the act of confession, nor with those in whom there is a lack of a sincere desire to obtain the Jubilee. However, those whom they do absolve, they must impose upon them a sacramental penance different from the works prescribed for gaining the Jubilee. In absolving from censures, satisfaction must be given, or at least promised under oath, to the injured party. The injured party is not the judge, but the one who has suffered the damage. In the constitutions of the Jubilee, certain works are prescribed for the Romans, or inhabitants of the city; other works are prescribed for foreigners. Those who live within the fifth milestone from the city are designated by the former name: as are the inhabitants of the city who have come to Rome with the intention of spending a significant portion of the year there; and the Holy Father intends that those who have come to Rome for a reason other than to obtain the Jubilee should also be included in this number. All other foreigners, or outsiders, are called by this latter term. The Holy Father believes that the common opinion of theologians holds that it is not necessary to confess before performing the prescribed works; he believes that it is sufficient to obtain the indulgence if the last work is performed in a state of grace. If someone confesses, and then, before completing the works, relapses into

Translated by churchlatin.ai, a product of Boyne Archives

a mortal sin, it is not sufficient for him if he is contrite, and thus contrite, performs the works.

[*Latin ed. p. 145*]

He intends that, although one is not obligated to repeat the prescribed visits, one should repeat the confession, and that this must be done by the same confessor, who in the previous confession had, through invincible ignorance, failed to mention a mortal sin to the confessor. He permits dispensations for those who are, by law, deemed incapable of receiving Holy Communion, provided that the dispensation is granted for another work. To gain the indulgence, it is not required that one enter and exit through the Holy Door. If someone has already made certain visits to the basilicas, and then, through an indulgence that is commonly issued within the space of the Holy Year, in which the number of visits is reduced, he can count the previous visits and avail himself of the indulgence; and the same indulgence is to be used by those who, before the indulgence was issued, had already completed the full number of visits prescribed by the indulgence. He states that his intention is that vocal prayer should be offered in the basilicas, and that it is not sufficient if one prays only in their mind. If someone repeats the prescribed works more than once within a year, they can again acquire the indulgence; but they cannot again obtain the other benefits and graces that were granted to them the first time, such as being absolved from reserved matters, or obtaining a commutation of their vows. Although the minor confessors and confessors appointed by the Cardinal Vicar of Rome are granted, by the Bull *Cæna*, the faculty of absolving from reserved sins, this does not mean that a general faculty is given to absolve from external heresy. Furthermore, in his constitution, which begins with the words *Convocatis*, he declares that the person who, with the intention of receiving the Jubilee, has obtained absolution from censures and a commutation of vows, if, after changing their intention, they do not receive the Jubilee, does not thereby incur the censure again, nor are they bound by the previous vows; but he inclines towards the opinion that the person who thus changes their will is guilty of a mortal sin, because he believes that a certain tacit agreement is celebrated, whereby the confessor, on his part, makes that person a participant in the graces of the Jubilee, and, on the other part, the penitent is obligated to perform the other prescribed works. Besides the confessors of the basilicas, and others appointed by the Cardinal Vicar for the Holy Year, there are also other ordinary confessors in Rome, some of whom are religious; and of the religious, some are assigned by their superiors to hear the confessions of their fellow religious; while others, religious, are approved by the Cardinal Vicar to hear the confessions of lay people. To these last, approved by the Cardinal Vicar with respect to their fellow religious, are granted the faculties that are given to confessors of lay people, with the additional faculty of dispensing from irregularity

Translated by churchlatin.ai, a product of Boyne Archives

incurred through a violation of censures, provided that it is concealed.

[*Latin ed. p. 146*]

Those regular canons, however, do not possess this faculty, who are only appointed by their superiors. But those who, by custom, have the faculty granted by the Cardinal Vicar to hear confessions, and who are not specially appointed for the Holy Year, retain the same faculty concerning secular matters as they previously possessed; for the suspension of faculties, which occurs in the Jubilee Year, does not extend to confessors in the city of Rome, and this applies even to regular canons. The Supreme Pontiff explains all of this extensively in his Encyclical, addressed to confessors and spiritual directors of the city, entitled *Inter præteritos*. The Supreme Pontiff urges that reference be made to this Encyclical in another Encyclical concerning the extension of the Jubilee to the entire world. In another bull, which is contained in Bull. concerning both sexts, it is granted to nuns, oblates, tertiaries living in community, novices, and those being educated in those communities; also to hermits and solitaries, living with enclosure and solitude, under the governance of at least their Ordinaries; also to prisoners and those incarcerated in any prison; finally, in both secular and regular institutions, to the elderly over seventy years of age, so that they may enjoy the indulgence twice, provided that the Bishops and superiors change the tasks assigned to them. Furthermore, it is granted to nuns, even novices, that for the first time only, they may choose confessors, whether regular or secular priests, approved by the Ordinaries to hear the confessions of nuns, in order to obtain the effects of the Jubilee. But to hermits, oblates, tertiaries, and women living in convents, prisoners held in prisons, those hindered by infirmity and old age, and to all regular members, the faculty is given for this purpose, so that they may choose confessors, whether secular priests or regular members of any order, approved to hear the confessions of secular individuals; from whom they may be absolved from reserved matters, even those reserved to the Apostolic See, and in the bull *Cæ.* It is also desired that those detained in prison, whose criminal cases have not yet been concluded, be reminded of the obligation they have to truthfully answer the questions of secular judges. It is also desired that those confessors chosen by nuns, oblates, and other young women mentioned above, may grant dispensations regarding the vows made by nuns after their profession, the observance of which can be combined with their religious profession. Regarding those novices being educated, as well as tertiaries and those living in convents, it is granted that confessors may grant dispensations regarding vows, even those sworn, except for those reserved to the Apostolic See. Another bull, which begins *Pastoris æterni*, grants to apostates and those who have fled from any order, who return to their religion within four years, and beyond the mountains within eight months from the publication (which was published on January 19, 1750)

Translated by churchlatin.ai, a product of Boyne Archives

of this same bull, remission of all penalties incurred and to be imposed for apostasy, and

[*Latin ed. p. 147*]

Moreover, [the Jubilee] grants impunity, provided that they confess their fault before their superior and obtain absolution from him. The extension of the Jubilee throughout the entire world was thus enacted. Within six months from the publication of the bull by Pope Benedict, from the date of publication, the Pontiff grants a Jubilee, similar to that of Rome, which can be obtained even by those who had already obtained it in Rome the previous year. It is decreed that Ordinaries of places should designate the cathedral church, or the largest church in the same city, along with three other churches in the same city, or locality, or suburbs, which the faithful are to visit at least once during fifteen continuous or intermittent days, beginning the visit from the first vespers of the preceding day until the vespers of the following day, where they shall pray in the customary manner. Those traveling by sea or land, even if they return after the Jubilee term has elapsed, or if they have deviated from their intended route to a certain station, if they visit the designated churches, and receive confession and Holy Communion, they shall obtain the same indulgence. It is also granted to the infirm that, in lieu of visiting churches, they may perform other works designated by their superiors, either by themselves or through prudent confessors. It is also permitted to exchange the sacramental communion with children who are not yet admitted to communion. Furthermore, regarding communities, both of religious and secular individuals, visiting chapels, congregations, sodalities, universities, or colleges, the number of such visits may be restricted. Regarding monks and nuns, it is granted that they may choose any confessor approved by the current Ordinary of the place, from among those approved for monks and nuns. Regarding all other religious, it is granted that they may choose any confessor, either religious or secular, approved by the current Ordinary of the place, from whom they may receive absolution in the forum of conscience from all censures, whether by law or by human decree, even those reserved to the Apostolic See, even those mentioned in the Bull of the Holy Supper, and to change even their sworn vows, also those reserved to the Apostolic See, except for the vow of chastity and religion, and those which have been acquired by prescription, and to grant dispensation regarding any irregularity, except only that which has been contracted due to the violation of censures. However, the custom of absolution regarding a partner in the matter of El-Kef is reserved. Finally, it is declared that he who, having made vows with these privileges, later changes his mind about obtaining the Jubilee, shall not thereby incur the previous censures, nor be bound by his vows, although it is judged that he can be considered free from the guilt of sin. Finally, those who, through

Translated by churchlatin.ai, a product of Boyne Archives

death, have not been able to complete the required number of visits, are granted the same indulgence if they have received confession and Holy Communion.

[*Latin ed. p. 148*]

Absolution from heresy, even if not expressly reserved in the bull of Jubilee, is nevertheless not considered permissible, even if the bull generally permits absolution from the crimes expressed in the bull of Cana, as decreed by the Sacred Congregation on the 5th of March, 1656, under Alexander VII, *Instit. Eccles.* 48, no. 45. In the Jubilee, confessors approved by the Ordinary of another place have no power to grant absolution. Nor do those who have once obtained this power from the Ordinary of the place; but this power ceases. Thus, from several decrees of the Sacred Congregation, *Instit. Eccles.* 84, no. 27. However, it is added by the same Congregation that the faithful should not be troubled by being absolved by such confessors. Ibid., no. 27. JEWS. If a Jew, married, comes to the faith, while his wife perseveres in infidelity, he cannot send her a bill of divorce, even outside the Jewish community, and before a notary, with Christian witnesses. Those who contravene this sanction, if they should have carried out the divorce within the Jewish community, and with the rites of superstition, are subject to the same penalties as those who judaize; however, the one who did so outside the Jewish community should be punished more leniently. Christian notaries are punished with a monetary penalty, as stated in the Apostolic ministry constitution, where it is also stated that a Hebrew woman converted to the faith should not send a bill of divorce to a husband who perseveres in Judaism. It is forbidden to Christians, under excommunication, to cohabit with Hebrews, from chapter 5, concerning Jews, in *De Syn. diæc.*, book 6, chapter 4, no. 2, as well as to render them continuous service upon receiving payment. Ibid. Hebrews converted to the faith are not to be deprived of their property, nor excluded from inheritance and the inheritance of their parents, as stated in the bull of Clement XI, *Propaganda*. Ibid. Those descended from Jews, unless otherwise stipulated in the foundation of benefices, or unless otherwise the Supreme Pontiff has decided, cannot be excluded from benefices, even according to the constitutions of particular churches, as stated in chapter "Eam te," concerning rescripts. The same applies to those who descend from infidels. *De Synod. diæc.*, book 12, chapter 4, no. 4 and 5. The same should also be said concerning the sacred orders. Ibid., no. 5. SYNODAL JUDGES. Synodical judges, to whom the Roman Curia entrusts cases to be judged in parts remote from the Curia, must be designated as persons constituted in ecclesiastical dignity, who hold either a prebend or a canonry in some

Translated by churchlatin.ai, a product of Boyne Archives

cathedral church. These must be designated by the Bishop.

[*Latin ed. p. 149*]

Regarding those appointed in synods; and if any should die before the celebration of new synods, others may be substituted, even outside the synod, by the Bishop with the consent of the chapter, until the new synod. The names of those designated, whether in synods or outside of them, are to be presented to the secretary in the documents submitted to the Holy Father. At least four should be designated in each diocese, or more if the size of the same requires it. Constitution *Quamvis paternæ*. JURISDICTION. A lower prelate, in order to obtain, in addition to a separate territory, ordinary jurisdiction, and quasi-episcopal authority over the clergy and people, without the exclusion of the Bishop himself, is not aided by the forty-year prescription with a colored title, but requires a clear and lasting Apostolic privilege, or an immemorial custom duly proven, by which that privilege is presumed to be valid by law; which was formerly decided by the Holy Congregation of Councils on January 7, 1721, then approved by Clement XI. on January 14, and confirmed by Benedict XIV. in his Bull. Then it will be said that a custom has been duly established, when in some place, from time immemorial, a lower prelate has exhibited all the appearance of jurisdictional acts entirely on his own, so that the Bishop, in whose diocese the place is located, has had no part in these matters during that entire time, nor has ever interfered in them. From *De Synodis dioeces. lib. 43, cap. 8, n. 48* and *24*. Bishops, even if they have chapters which are entirely exempt, can, by themselves, without the addition of members from the chapter, visit the church, the canons, and the beneficed clergy, as decided by the Holy Congregation of Councils in a certain case from Zamora, although they cannot assign this duty to another. From *De Synod. dioec. l. 43, c. 9, n. 6*. However, if they wish to proceed with a visitation contrary to canon law, they are required to have two canons from the chapter as assistants, to be designated by the chapter at the beginning of each year; but these two canons constitute only one vote; and if both agree in an opinion contrary to the Bishop, then a third must be elected, according to the formula prescribed by the Council of Trent, session 25, chapter 6, concerning reforms. Thus, from several decrees of the Holy Congregation of Councils, and from the collation of two passages from Trent, one in session 6, chapter 4, the other in session 25, chapter 6. From *De Synod. dioec. lib. 43, c. 9, n. 7* and following. LEGITIMATION. By subsequent marriage, the offspring is not legitimated when the union was entered into between those who were impeded, and the offspring was born with the same impediment.

[*Latin ed. p. 150*]

It is the common opinion. If it is certain that a child was born after the impediment was removed, but it is doubtful whether it was conceived while

Translated by churchlatin.ai, a product of Boyne Archives

the impediment still existed, then judgment must be rendered in favor of the child. *Epistola ad Archiepiscopum Hispaniolæ, Redditæ nobis.*

ECCLESIASTICAL LAW. Those who reside in a diocese are not bound by a law issued by the bishop or by a synod, if they are about to leave the diocese and will return shortly, provided that they do not act against that law while temporarily outside the boundaries of the diocese, because the law pertains to the territory itself and immediately. However, it is not equitable to grant protection to someone who is absent from the diocese with the intention of avoiding a synodal decree; therefore, he then sins against the same law. Thus, Clement X decreed in the Constitution *Superna*, that penitents who leave the territory in order to deceive [the Church] should not be absolved from the reserved jurisdiction of that territory. *De Syn. diœc. lib. 43. cap. 4. n. 9 et 40.*

A law issued by a bishop outside of a synod, after having heard the advice of the chapter, is far more likely to remain in force even after the death of that bishop, because it is no different from a law promulgated in a synod, which is also sufficient to remain in force even after the death of the bishop. *De Syn. diœc. l. 43. c. 5. n. 4.*

A synodal law, if not accepted by the people, although those who refuse to accept it are guilty of sin, ceases to be binding if the superior learns of this after a few instances of it being ignored without punishment, due to a certain tacit approval. *De Syn. Diœc. lib. 43. cap. 5. n. 3.*

However, if the bishop is unaware of this, then a period of ten years is considered sufficient. This is because it is sufficient to establish a custom of long standing. *Ib. lib. 43. cap. 5. n. 3.*

If the law has already been accepted, then a prescription against it is established after ten years: for it is not a prescription by which some property right is taken away from the Church, which requires forty years. However, it is necessary that it has been freely introduced by a majority of the community, frequently practiced, with the intention of abolishing the law, and that there is at least a legal and formal consent from the legislator. *De Synod. diœces. lib. 43. cap. 5. n. 5.*

A synodal law binding the entire province, if it receives confirmation from the Apostolic See in a general form, as is usually the case, and which is usually expressed in these words: "If it has been done justly, canonically, and prudently, and provided that it does not contradict the sacred canons, the decrees of the Council of Trent, and the apostolic constitutions," then it can certainly be abrogated by the bishop, provided that the law of the bishop himself remains. However, if the confirmation is given in a specific form, with knowledge of the reasons, with each statute examined, and if the confirmation is added to it by a *motu proprio*, and with certain knowl-

Translated by churchlatin.ai, a product of Boyne Archives

edge, then it certainly becomes a law of the Pope, in which the bishop-

[*Latin ed. p. 151*]

It is not possible to dispense with this. From the Synod of Dioceses, book 43, chapter 5, number 44. MOTHERS. Is a mother bound to nurse her own child under grave guilt? Some theologians have affirmed this, observing that this burden is imposed upon them by nature, and that there are no animals that do not provide this for their offspring; however, others consider the guilt in this matter to be less serious. Nevertheless, there are several legitimate reasons why mothers may voluntarily abstain from this duty. From the Synod of Dioceses, book 44, chapter 7, numbers 40 and 41. MARRIAGE. The parish priest is bound to assist at the marriage, unless he is prevented by a legitimate and very serious reason. In the Encyclical addressed to the Bishops of Poland, "Nimiam licentiam," the Pope considers that the question debated among theologians, whether the parish priest is the minister of this sacrament, or rather, whether the contracting parties themselves are to be considered as the matter, form, and ministers of this sacrament, should be avoided. The foundations of both opinions are to be seen in the diocesan synod, book 8, chapter 13, numbers 4 and following. Although he seemed inclined towards the opinion that the contracting parties possess the entirety of the contract and the sacrament, those who do not demand from the contracting parties knowledge of Christian doctrine, at least of those things that are necessary for salvation, are to be blamed. Indeed, Clement XI and also Benedict XIV, in a certain Encyclical, which is in his Bullarium, ordered that the parish priest should inquire from those about to marry, about things necessary for salvation, and if he finds that they are ignorant, they are not to be joined in marriage. Furthermore, he warns, along with Giribaldo, that those who know the principal mysteries of the faith, but only hold those things that are of the necessity of the precept in a superficial manner, may be retained from celebrating the marriage for some time, and in the meantime, the parish priest should diligently instruct them, and if he finds them to be of dull understanding and of weak memory, so that they cannot become more learned, he is then bound to join them. From the Synod of Dioceses, book 8, chapter 44, numbers 4 and following. Marriage must be celebrated before the parish priest, or another priest with the license of the parish priest, or of the Ordinary, and with two or three witnesses, which are the words from the Council of Trent, on the reform of marriage, session 24, chapter 4. The Pope, however, considers it reprehensible that some bishops, in their synods, have decreed that marriage must be celebrated before a legitimate minister, from which some theologians have inferred that the parish priest is the legitimate minister of the sacrament of marriage, and that they are strengthening their opinion

Translated by churchlatin.ai, a product of Boyne Archives

based on the minds of these.

[*Latin ed. p. 152*]

If a Bishop generally forbids a parish priest from assisting at marriages, nevertheless the marriage remains valid, as decreed by the Sacred Congregation of Councils and confirmed by the Pope in *De Synodis Dioecesanis*, book 12, chapter 5, number 2. However, if this prohibition comes from the Pope with an invalidating decree, then the marriage is certainly not valid, since the Pope has the right to establish impediments. Unless, however, this prohibition is accompanied by an invalidating decree, the marriage is valid; for that impediment, which impedes but does not invalidate, must be considered as such. Ibid., number 3. The parish priest before whom a marriage can be celebrated is the parish priest of the domicile, not the origin, as is clear from the consensus of authors and the opinion of the Sacred Congregation. *Institutiones Ecclesiasticae*, 33, number 6. Therefore, if someone has two domiciles in two different parishes, they can be married in either parish; however, to have two domiciles, it is required that they have a morally equal residence in both. *Institutiones Ecclesiasticae*, 33, number 6. A rural parish priest, to whom someone goes for agricultural work, is not suitable for the marriage of that person who resides there for recreation and for agricultural business; thus, it has always been decided by the Sacred Congregation. Ibid., number 7. There is no marriage for someone who, from their proper place of residence, but not having abandoned their domicile there, goes to another place with the intention of being joined in marriage, without acquiring a new domicile, or quasi-domicile, thus, according to the perpetual opinion of the Sacred Congregation. Ibid., number 8. Regarding marriage, the parish priest of vagrants is the parish priest of the place where they are currently located, as is clear from the opinion of many theologians. Ibid., number 40. However, vagrants must be carefully distinguished from those who are traveling. Vagrants are those who, having abandoned their proper domicile, wander about in search of something; travelers, on the other hand, are those who, without abandoning their domicile, travel somewhere. Ibid., number 40. Students, judges, doctors, etc., who reside somewhere under contract, acquire a quasi-domicile in that place of residence, if they remain there for a suitable period of time. Thus, according to the decrees and opinions of the Sacred Congregation. Ibid., number 14. Regarding the marriages of those who are detained in prison, if they are detained in prison by order of a judge, either permanently or for a certain time, with respect to them, the parish priest of the place where the prison is located is the parish priest for the marriage. However, if they are detained in prison until their case is resolved, then their parish priest is the one where they have their domicile. Thus, according to the opinion of the Sacred Congregation and the decrees. Ibid., number 12. The parish priest of those who are exposed and are being

Translated by churchlatin.ai, a product of Boyne Archives

cared for in a hospital is not the chaplain of that same hospital, but the parish priest where the hospital is located, as is clear from the decrees of the Sacred Congregation. Ibid., number 14. Those who are being educated in a monastery have for their parish priest for marriage purposes, the priest of that monastery.

[*Latin ed. p. 153*]

In the case of a marriage, the parish priest is that of the place where the domicile of either of the contracting parties is located, as many theologians state. Ibid., n. 16. If this is not the case, then the parish priest of the place where the monastery is located is the one who presides. Servants who have a home and family in a parish different from that in which the marriage is to take place, are subject to the parish priest in which their home and family are located. Thus it is stipulated in the statutes of the Roman clergy, ibid., n. 20. If, however, the family resides outside the city, and the servants minister within the city, then they are subject to the urban parish priest. Inst. Eccl., 88, n. 5. If the Bishop commands a certain parish priest to assist at a marriage, considering him to be the true parish priest of one of the contracting parties, and if it is later discovered that he is not truly the parish priest of either of them, nevertheless the Bishop's command remains valid, so that this marriage may be celebrated, as is reported in a decision of the Holy Congregation. Instit. Eccles., 88, n. 4. A marriage contracted in good faith before a parish priest and a single witness is not valid, as is clear from the response of the Holy Congregation. De Syn. diæc., l. 42, c. 5, n. 5. Conversely, a marriage is valid contracted before two witnesses without a parish priest, in a place where there is no priest except a heretic, or if there is a priest, but there is no freedom to approach him. Ibid. If a parish priest is present, but does not see the contracting parties, nor hear their words, then the marriage is null, as defined by the Holy Congregation of the Council after a careful examination in the Roman case, on March 7, 1700. However, if the parish priest pretends not to understand the words of the contracting parties, the Holy Congregation, in another decree of the year 1493, in the Lisbon case, responded that the marriage is valid. De Syn. diæc., l. 43, c. 23, n. 5. But if the parish priest pretends not to hear, when he is unwillingly compelled to celebrate the marriage, and, having done so, does not want to see or hear, although he could easily do so, and the witnesses have heard and seen, then this was the reason for the decree of the Holy Congregation in Carthage. Matrim., Ann. 1753, late pro similis matrimonii validitate. Ibid., n. 44. A parish priest to whom the Bishop has forbidden to intervene in a marriage, does not thereby render the marriage invalid. Thus, according to a decision of the Holy Congregation. De Syn. diæc., l. 43, c. 23, n. 4. The same applies if the Ordinary only forbids the vicar of the parish priest to assist, but he, in defiance of the command, does assist. Likewise, it must be judged in the same way if the parish priest or his vicar, who

Translated by churchlatin.ai, a product of Boyne Archives

have been forbidden by the Bishop, are unwilling and forced to assist. Ibid., from the same decree. The contracting parties are not bound by the parish priest to marry, if he discovers that they are ignorant of things necessary for salvation. Encyclica Etsi minime. Regarding impediments of disparity of cult, it must be noted that the spouse who has converted to the faith, leaving the other in infidelity, should admonish the infidel, whether he wishes to cohabit without offending the Creator, and without this admonition, the faithful cannot pass to the second marriage.

[*Latin ed. p. 154*]

The Pontiff, when dealing with newly baptized individuals, grants dispensations to the catechumens of the pious place of Venice, so that they may contract marriage, even without the consent of the other spouse, provided that it is established, in a summary and extrajudicial manner, that the said spouse could not, even afterward, have been informed; although it is later discovered that the spouses, at the time of the second marriage, had been converted to the faith. Constitution. In suprema. If the unfaithful spouse comes to the faith, and the other consents to live with him without offending the Creator, even if he wishes to persevere in infidelity (which is to be judged by the Bishop), then the Holy Congregation decreed that the spouse who has been converted to the faith cannot take another spouse. But, precisely because the other party wishes to persevere in infidelity, many theologians hold that there is sufficient danger in the neophyte. Cabassutius rightly points out that the solution to this doubt depends on the customs of the regions and the circumstances of the cases. De Syn. dicec. l. 13. c. 21. n. 1. It can happen that the unfaithful spouse takes several wives while still in infidelity, and then comes to the faith, and one of these wives is also willing to receive the faith; but not the one who was taken first, who, because of the distance of places, or because she does not know where she is, cannot be legally summoned. Finally, after a renewed marriage with the one who has come to the faith (which cannot be done without a renewal of consent before the parish priest and witnesses, since the prior consent given in infidelity was null due to the previous marriage with another), the former wife appears and proves that she was not informed, or that she was prevented from expressing her will, and now declares that she is willing to embrace the faith, or that she has already embraced it before the marriage of the neophyte with the neophyte was celebrated. In this case, Pope Pius V granted missionaries the power to grant dispensations to baptized Jews, so that they could remain as if with a legitimate wife, with the wife who has also been baptized. Pope Gregory XIII granted the same power of dispensation to Bishops, parish priests, and priests of the Society of Jesus, in the approved regions, with regard to those who, having been taken from England, Ethiopia, and Brazil, and transported to remote regions, could enter into marriage with any faithful person, even

Translated by churchlatin.ai, a product of Boyne Archives

without the expected or required consent of the spouse in infidelity; even if the unfaithful spouses could declare that they had been justly prevented from expressing their will, or even if they could prove that they had been converted to the faith at the time of the second marriage. It is certainly demonstrated that these constitutions could have emanated from those Pontiffs; but it is clearly established that they cannot be extended to other regions, even if similar reasons are presented. Therefore, if, by chance, such a case arises, permission for dispensation must be requested from the Holy Pontiffs. De Syn. dicec. l. 13. c. 21. n. 3. et seq. If the unfaithful spouse takes one unfaithful spouse, the marriage is valid as if the other spouse were living, and another is introduced afterward, according to the law.

[*Latin ed. p. 155*]

It is so, since marriage is instituted so that it should have only one [spouse]. Ibid. n. 8. If marriage is entered into between two persons who hold a false opinion regarding the substance of marriage, which is contrary to it, as among the Greeks, who believe that the bond of marriage is dissolved by the adultery of either spouse, this erroneous opinion does not affect the validity of the marriage. Thus, it was decided by the Sacred Congregation on January 15, 1724. De Syn. dioc. 1. 43. c. 22. n. 4. However, if this opinion is introduced into the agreement as a condition for actually entering into the marriage, then the marriage is null, as always happens when a condition contrary to the substance of marriage is attached, according to the decree of Gregory IX. cap. De Appositis Ib. n. 5. Therefore, the case that I am submitting was decided by the Sacred Congregation on May 20, 1754. In the formula that Calvinists use when entering into marriages, the minister asks the man, "Do you take her as your wife?" and he replies, "I do." The same words are repeated by the woman to the minister. Then the minister asks the man again: "Do you love the person you are holding by the hand, and do you take her as your perpetual wife, and will you not abandon her in any of her troubles, as long as she remains in her honor and purity?" The woman says the same. Furthermore, the phrase "as long as she remains in her honor and purity" means, in the sense of the Calvinists, that the man is taking the woman as his wife as long as she does not commit adultery, and that if she does commit adultery, the bond of marriage is dissolved. Therefore, these marriages are celebrated with a condition opposed to the perpetuity of marriage, which is, of course, attached to the essence of marriage, as confirmed by the Council of Florence in the decree on the union of the Armenians, and by the instruction of Clement VIII for the Italo-Greeks, confirmed by Benedict XIV in his constitution *Etsi Pastoralis*, which is number 57 in the Bull. Therefore, it was rightly decided in the Congregation of the Holy Office on May 20, 1754, that such a marriage did not exist, and that therefore, either of the spouses was free to take other vows. De Syn. dioc. 1. 43. c. 22. n. 9.

Translated by churchlatin.ai, a product of Boyne Archives

It was also judged that it did not matter that both spouses had previously said, "I take this one as my spouse," and then, in a new question, both had added the condition, because both the first and the second question were considered to be one and the same act. From these considerations, another case was also decided by the Sacred Congregation on July 8, 1724. A man and a woman agreed to celebrate a marriage before the Church, so that they would not consume the marriage, but after fifteen days, the woman would enter a monastery, and after a year of probation, would make vows; meanwhile, however, she would retain all the rights that she could acquire in the person of her husband through the marriage, and she agreed that if she failed to comply with these agreements, the marriage would be declared null and void. This agreement was made between them, and these agreements were recorded in writing, and were made known to witnesses and the parish priest, in the presence of whom the marriage was to be celebrated. The Sacred Congregation declared this marriage to be null, according to the chapter *Si conditiones*, concerning conditions attached. For the renunciation made by both of the power over the body of the other is openly contrary to the substance of marriage.

[*Latin ed. p. 156*]

Of such great importance is this marriage. Although these agreements were not expressly stated in the very celebration of the marriage, it is clear from what preceded and followed, joined together, that the spouses did not recede from them. Book 1, number 10. A marriage contracted by an unfaithful person, while still unfaithful, is not immediately dissolved by the baptism of one of the spouses, but rather, at that time, the baptized one transfers to the other spouse the vows made. Letter to the Vicar General concerning the Baptism of the Hebrews, etc. In the last month, etc. See Diocesan Synod, Book 1, chapter 6, number 4. The Hebrews cannot marry a heretic, despite the difference in worship. Letter to the Cardinal Duke of York, dated February 9, 1749, paragraph 44 and following. Bullarium. In the case where one of the spouses converts to the faith, leaving the other who does not wish to cohabitate without offending the Creator, and then the latter also converts to the faith, and in the meantime, after the second spouse has converted, the first spouse enters into a second marriage, it should be suggested to the Pontiff that the marriage consummated in infidelity be dissolved in favor of the second marriage; the Pontiff rightly hesitates, and believes that this should not be done unless there are very serious reasons. Diocesan Synod, Book 6, chapter 4. Catholics who celebrate a marriage with a heretic, even in places where heretics reside, commit a very grave sin, because by doing so, they communicate with them in divine matters, which, unless there is a very serious reason, is forbidden. If, however, after having entered into such a marriage before a Catholic priest, they can again be joined before a Protestant minister to avoid serious

Translated by churchlatin.ai, a product of Boyne Archives

harm, the question is; to which the Holy Congregation responded that if the heretical minister assists at these marriages as a civil minister, then no sin is committed by Catholics; but, on the contrary, if he assists as a minister devoted to the sacred rites. Thus, the Pontiff believes in the Diocesan Synod, Book 1, chapter 6, number 4 and 5. Marriages between a Protestant heretic and a heretic woman, celebrated before a non-Catholic priest in the United Netherlands, are to be considered valid. Decree approved by the Pontiff on November 4, 1744. Bullarium. Likewise, this is true even in those regions, if the heretic governs Cattolica, although it should be considered illicit in the last instance. Ibid. The same is found in the Letter to the Cardinal Duke of York, dated February 9, 1749. Bullarium. See the treatise on Diocesan Synods, Book 1, chapter 6, number 42. Marriages between a Catholic and a heretic spouse are much more properly not to be blessed, nor should Mass be celebrated in the presence of a heretic, nor should the marriage rites be performed within the confines of the Church, which some report to have been forbidden by Clement VIII concerning certain blessings. Diocesan Synod, Book 1, chapter 6, number 5. Marriages entered into by Greek Catholics in the Eastern Church after receiving the sacred order are doubtful as to their validity, or whether they are valid only in part.

[*Latin ed. p. 157*]

These must be held as illicit; therefore, if this should occur, a dispensation must be requested from the Apostolic See, but in the dispensation, the condition that the consent of the spouses be renewed is not expressed. Regarding marriages between Italo-Greeks after the sacred order, there are none. The impediment arising from adoption is explained by the Pontiff in Tract. de Syn. diœc. l. 9. c. 40. n. 4: "Marriage cannot be entered into between the adopter and the adopted person, nor those descended from the latter; this type of impediment always remains in force as long as it concerns both the adopter and the adopted person. Secondly, between the adopted person and the natural children of the adopter. But this impediment remains as long as the adoption persists, or the children remain under the paternal authority; for when this authority is terminated, either by the death of the adopter, or by the emancipation of the adopted person, whether adopted or natural, the impediment ceases. Thirdly, between the adopter and the spouse of the adopted person, or conversely, between the adopted person and the spouse of the adopter, and this always remains in force. Whether these impediments apply equally to perfect and imperfect adoptions is a matter of dispute among the Doctors. Furthermore, a perfect adoption occurs when a person of their own right, by a decree of the prince, passes into the power and family of the adopter, so that they are considered as a legitimate son, both in terms of inheritance by intestacy and by will. An imperfect adoption is said to occur when a person placed under the authority of the father or grandfather, by the authority of a magistrate or another

Translated by churchlatin.ai, a product of Boyne Archives

competent judge, is adopted as a son or grandson; however, they do not pass into the family and power of the adopter, and they succeed only by intestacy. De Syn. d.œc. lib. 9. cap. 10. n. 4. Marriages of children contracted without the consent of the parents, even if they are considered invalid for civil effects in Gaul, such as the invalidity of the dowry and the community of property between husband and wife; nevertheless, the Pontiff holds that they should be considered valid in terms of the sacrament, and those who hold the opposite opinion are to be completely rejected. De Syn. dicœces. l. 9. c. 41. n. 2. In a marriage between a pubescent and an impubere, if the former has maliciously feigned age, the Bishop can lawfully grant permission to contract the marriage. Encyclical to the Bishops of Poloniæ, Magnæ nobis. In this matter, the cumulative right belongs to both the Apostolic See and the ordinary judges. Ib. Regarding marriages between impuberes who are not yet fit for marriage, only the Roman Pontiff can grant a dispensation. Ib. Impediments that prevent marriage can be relaxed by the Bishop, except for the impediment arising from previous betrothals with another person, and that which arose from a vow of perpetual chastity, and entry into religion, unless they were conditioned. However, no one can remove impediments that render marriage invalid, except the Roman Pontiff. The following case is, however, immediately presented. If it should happen that a marriage has already been contracted in the sight of the Church...

[*Latin ed. p. 158*]

Thus, with all solemnities, if the marriage has begun in good faith due to ignorance of a legal impediment or fact, and has been consummated, but the impediment remains hidden, and the Pope cannot be approached, or a dispensation cannot be obtained from him due to the spouse's poverty, rustic nature, distance of the place, etc., nor can a separation be granted without scandal; while at the same time all these circumstances are present, then the Bishop may safely grant a dispensation, which the Major Penitentiary of the Pope also can, but only in the forum of conscience. Therefore, if that impediment is later revealed, and brought before the court of law, a dispensation must be obtained from the Supreme Pontiff. From the Decrees of Diocesan Synods, book 9, chapter 2, paragraph 4. Perhaps the Bishop can also dispense in the case of a hidden impediment that prevents marriage, when the marriage is about to be celebrated, in a case where such circumstances compel, so that neither the Holy Father can be consulted, nor can the marriage be postponed without scandal or infamy to the contracting parties. Then, the Holy Father should be considered to tacitly delegate the power to dispense to the Bishop. Ibid., paragraph 2. Given these specific circumstances, it is not permitted for the Bishop to dispense in cases of public impediments that prevent marriage. For it is not true, and it is not sound, that axiom adopted by some: Whatever the Pope can do throughout the world, except for those things that concern the entire

Translated by churchlatin.ai, a product of Boyne Archives

state of the Church, such as defining an article of faith, the Bishop can do in his diocese; unless the Pope has reserved it for himself. For an inferior cannot relax a law established by a superior. Some claim a custom; but let them consider carefully, when the matter concerns diminishing rights. The Roman Pontiff has sole competence, number 400, if a period of at least 400 years has passed without any interruption. It must also be considered, and preferably, whether by that custom the nerve of ecclesiastical discipline is broken; for then it is never contrary to the law. Chapter: Concerning customs. From the Treatise on Diocesan Synods, book 9, chapter 2, paragraph 3. In marriages contracted, he does not dispense for their revalidation in cases of consanguinity or affinity up to the first and second degrees, unless the hidden impediment has lasted for ten years in the second degree, and the spouses have been considered legitimate. In all other cases, he dispenses, as he publicly validates marriages in the third and fourth degrees, due to a hidden impediment, and the marriage is not validly contracted due to the surreptitious obtaining or forgery of Apostolic letters, unless the falsity consists in a false account of a previous marriage. See the Bull "Pastor Bonus." If, in a dispensation obtained from the Datary regarding prohibited degrees, a previous marriage is concealed due to infamy, then the Sacred Penitentiary dispenses in the marriage to be celebrated, and even in a marriage already contracted, but when it concerns the first to the second degree, it requires a composition of 50 ducats of gold to be paid to the...

[*Latin ed. p. 159*]

Unless prior grace has been conferred in the form of poverty. Ibid. § 44. If a connection [between the parties] has been expressed in the dispensation requested from the Dataria regarding impediments of degrees, but there is nevertheless a tacit bad intention to more easily obtain the dispensation, then if the bad intention is hidden, the Holy Penitentiary grants the dispensation absolutely to poor persons, and with a defined term to others. However, if the connection is based on affinity or consanguinity not recognized, then it is not necessarily required to be expressed for dispensations. Inst. Eccl. 87, n. 23. In cases of hidden impediments of affinity arising from an illicit union, in the absence of any imminent danger of scandal in the contract and in contracting marriage, a dispensation is granted in the forum of conscience. A dispensation is also granted in the impediment of a crime, both for the contract and for contracting, where no deceit is present. It can also grant a dispensation when there is deceit on the part of only one of the parties; however, this is done more rarely. Ibid. n. 44. Dispensations are also granted even if there are multiple impediments, just as dispensations are granted in the forum of conscience for the legitimization of children, unless they were conceived in adultery. Ibid. n. 45. In dispensations for impediments of marriage concerning prohibited degrees, if the prior connection is concealed, as well as, if present, the intention to

Translated by churchlatin.ai, a product of Boyne Archives

more easily obtain the dispensation, the rescript is vitiated, as stated in DD. Inst. Eccles. 87, n. 43. However, in marriage contracts, if this defect remains hidden, the Penitentiary grants a dispensation. Ibid. n. 44. That clause in matrimonial dispensations, which states that absolution and dispensation in the judicial forum are not entirely sufficient, has the effect that if the impediment, which was hidden, becomes public, the Ordinary can separate the spouses from each other. However, if they secretly render to each other what is due, they do not sin, according to Navar. Ibid. n. 50. If the Ordinary, suspecting an impediment, wishes to proceed with the investigation of the crime, he can, indeed he must, do so, even if the accused protests about having obtained a dispensation. However, if he is informed of this matter by someone worthy of trust, such as a confessor or parish priest, who can secretly testify to the Bishop, then the Bishop must desist, and he must not proceed to punish the crime, as the Author warns in the Clericato. Ibid. n. 50. The last clause is stated as follows: "Having informed the woman of the nullity of the prior consent, it is confirmed, but with caution, etc." The opinion of those who believe this to be a condition is rejected; rather, it is understood that the confessor is to be informed, so that the contract may be more certain; and that it is a true condition, as demonstrated by the ablative absolute, which is how it is expressed, according to the opinion of jurists. Inst. Eccles. 87, n. 68. The opinion that, when the revelation of the impediment cannot be accomplished, it is sufficient for one party to have a connection with the other party without marital intent, while the prior consent of the ignorant party was null, and therefore there is nothing on that party's side, and therefore it must be renewed, is not admitted. Others.

[*Latin ed. p. 160*]

The following opinion is likewise rejected, namely, that of those who suggest that a person who knows of an impediment should propose marriage to another, so that, if the other party responds affirmatively, the consent is considered renewed. However, this opinion is rejected because the consent given by the uninformed party, when joined with error, is not a valid consent, and therefore, the condition stipulated by the woman is not fulfilled.

A fourth reason is preferred for making the uninformed party certain, and that is, if it is said to the uninformed party that valid consent was lacking in the previous marriage, and that they should, through the persuasion of a confessor, propose marriage again, so that it may be renewed on the part of both. Ibid. n. 78.

But what if there is fear that, if the uninformed party is made aware of the nullity of the consent, they will refuse a new celebration, and thus, the marriage will be dissolved, and the children born before will be declared illegitimate? In that case, there is no reason to doubt the legitimacy of the children, for it is always held that they are legitimate when the impediment

Translated by churchlatin.ai, a product of Boyne Archives

was unknown, and at least one of the spouses was acting in good faith. However, if the fear of scandal from the dissolution of this marriage still persists, the Author suggests that the case be explained in writing to the Sacred Penitentiary, or that recourse be had to the Bishop, who will suggest what is appropriate. Ibid. n. 80.

Matrimonial causes entrusted to the Roman Curia in various regions are not delegated except to Bishops, or, if there is none in the diocese, at least to neighboring ones; and if even they are absent, to synodal judges. Cons. Dei miseratione. Furthermore, the Pope commands that in each diocese a defensor matrimoniorum (defender of marriages) be appointed, who should always be present in the judgment, and be cited in all proceedings. If, however, the judge in the region renders a judgment in favor of the validity of the marriage, no appeal may be made from that judgment. Conversely, if the judgment is in favor of the invalidity, the defender must appeal within the legally prescribed time, whether or not the party involved objects. While an appeal is pending, the spouses are forbidden to enter into new marriages, under penalties established against polygamy. After two judgments in conformity regarding the nullity of the marriage, it is permissible for the spouses to enter into new marriages, provided that the party, or the defender, does not believe that an appeal should be made, according to their conscience. Ibid.

The Pope declares in the Encyclical addressed to the Poles that prior agreements entered into between spouses regarding not appealing from a judgment of nullity of marriage are invalid.

Marriages between heretics, without the presence of a parish priest, in the federated provinces of Belgium, are valid, since the Council of Trent is not accepted there. Similarly, marriages between a heretic and a Catholic are upheld by the inhabitants of those places. The same is established if both contracting parties belong to militias of orders federated in Belgium, which are dedicated to defending the fortifications, commonly called "di Barriera." This extends to those contracting parties in the city of Maastricht (Trajectensis). But if those contracting parties have their domicile in the federated provinces and wish to contract marriage in Catholic regions, or vice versa, wish to...

[*Latin ed. p. 161*]

In provinces united with the Holy See, even though the parties reside in Catholic regions, nothing is decreed concerning them. Constitution *Matrimonia*. Announcements of marriages ought not to be dispensed from by the Bishop without a grave reason, the Pontiff commands. Constitution *Satis vobis*. However, in that case in which a dispensation is granted, He commands that the names of the contracting parties, and the faith of the marriage celebrated by the appointed minister, be noted in a secret book, which is to be kept sealed in the episcopal Chancery. If offspring

Translated by churchlatin.ai, a product of Boyne Archives

is born, the parents of that child, and the faith imparted to him at baptism, must also be noted in the same book; therefore, the contracting parties are commanded, when actually entering into marriage, to inform the Bishop of these things within thirty days reckoned from the birth, and if they fail to do so, they should know that the Bishop will reveal the concealed marriage. If a marriage is celebrated without the preceding announcements, or without obtaining permission regarding the matter from the Bishop, and if a parish priest is present, he is to be punished with suspension for three years, according to chapter *Cum inhibitio* § final, from which suspension he cannot be absolved during that entire three-year period, as Sanchez affirms. In *Tractatus de Synodis dioecesibus*, book 12, chapter 6, number 2. On days on which marriages are prohibited, they are not, indeed, absolutely forbidden, but rather the solemnity and pomp of the wedding are restricted, as the Theologians state from *Capellanus de Feriis*, and it is noted in *Institutiones Ecclesiasticae*, 70, number 5. The term "solemnity of the wedding" is understood to mean, and especially, the blessings expressed in the Roman Missal. These blessings are forbidden under a grave sin, as Sanchez and others note. *Institutiones Ecclesiasticae*, 80, number 7. Therefore, when the Bishop permits marriages to be celebrated on weekdays, it is never licit to confer those blessings. Ibid., number 2. Indeed, the entire Mass for the bridegroom and bride must be omitted, since those blessings are part of it. Then, a Mass of the day should be celebrated. Ibid., number 44. Therefore, the permission of the Bishop is required to celebrate marriages on weekdays (although they are licit in themselves), because in Synods, or by custom introduced, those days may be prohibited; therefore, the permission of the Bishop is required. Ibid., number 4. However, once a marriage has been begun on a weekday, it can be consummated, as is established by the opinion of the Doctors of Theology. Ibid., numbers 47 and 48. Therefore, the transfer of the bride to the home of the husband is permitted, as is affirmed by the Congregation. Ibid., number 24. Marriages contracted through a procurator are valid, as is the common opinion of the Theologians, even those writing after Trent. Although it is more prudent that those marriages so contracted be renewed again in the presence of the spouses before the parish priest: but these things are said for caution, not for necessity. *De Synod. dioecesibus*, book 13, chapter 23, number 9. Marriages that are concealed must, before being permitted by the Bishop,

[*Latin ed. p. 162*]

It is necessary to inquire into the quality, standing, and condition of those seeking to marry, whether they are of their own jurisdiction or another, whether they are of families, and whether those marriages are of such a nature that the father can justly refuse them. Once everything has been ascertained to conform to the requirements, the parish priest of either of the contracting parties must be assigned to assist in those marriages,

Translated by churchlatin.ai, a product of Boyne Archives

and, unless there is a grave reason, this duty should not be requested of a priest other than the parish priest. That priest or parish priest must present to the Bishop a document of the marriage celebrated, with a note of the place and time, and of the witnesses who were present. This document must then be transcribed into a separate book from that in which the other public marriages are recorded, and that book, sealed and signed, must be carefully preserved in the Episcopal Chancery, not to be opened unless similar marriages are to be recorded. The Pontiff commands that the children born from such a marriage must be reported to the Bishop, either by letters signed by the parents themselves, or by a trustworthy person designated by the parents, and that such notification must be written in a separate book from that in which secret marriages are described, with the names of both parents noted. This book must be guarded with the same diligence as the book of secret marriages. But in the celebration of this kind of marriage, the one who holds the name and office of parish priest must warn the spouses that they will report the child born from that marriage to the Bishop, in the manner described above; otherwise, if they fail to do so, the Bishop, having been secretly neglected, will reveal that marriage, so that no harm may be done to the children born. Thus, in the bull *Satis vobis*. When a dispensation had been granted by the Pontiff from the impediment of third-degree consanguinity, and the marriage had been contracted but not yet consummated, it was discovered that there was not one, but two impediments of the same degree between the spouses; therefore, a petition was made for a dispensation from that second impediment, and the man on whose behalf the petition was made stated that his wife was unaware of this new impediment, because if she had known it, she would have sought an annulment of the marriage, and if that were dissolved, great scandal would arise; the Pontiff granted a new Brief, in which he dispensed with the impediment in the root of the marriage. The wife, in a new petition, demonstrated that she had been aware of this second impediment before the granting of this second dispensation, and that while she was preparing to oppose the ratification of this marriage, she had obtained, unbeknownst to her, a dispensation from her husband. The Holy Congregation resolved in favor of the invalidity of that marriage: a resolution which Pope Benedict XIV confirmed in his bull *Etsi matrimonialis*.

MATUTINUM. The Matins should not be separated from the Lauds without a good reason, which is the best thing for the Church; nor should the Matins be separated from the Lauds on the night of the Nativity of the Lord. *Inst. Eccles. 24, n. 9.*

[*Latin ed. p. 163*]

It also constitutes a venial sin for one who, without any legitimate reason, does not observe the prescribed hours, as stated by St. Thomas. Ibid., n. 9. The hour for reciting Matins begins after exactly three-quarters of the day

Translated by churchlatin.ai, a product of Boyne Archives

has passed, as noted in the Roman Calendar. Ibid., n. 40.

PHYSICIANS. Physicians are strictly obligated to urge the sick person, when called to attend to them, to call for a confessor, so that he may provide for the salvation of his soul, as the Council of Lateran prescribes in chapter "De pænit." and remiss." St. Pius V, in his Constitution 3, in the Roman Bullarium, commands that the physician first and foremost urge this; and that he should not visit the sick person again after the third day, if he refuses to call for a confessor. Physicians who transgress this obligation incur the penalty of infamy, and the loss of all the privileges of their profession. Furthermore, it is mandated that no one shall obtain the degree in medicine unless he first swears before a public notary and witnesses to observe the provisions of this bull. Physicians are not excused from this obligation based on a custom that has been in place for a long time, since this custom could not have been introduced without the oath of each individual. However, it is sufficient if the physician urges this through another serious man. Inst. Eccl. 22, n. 46. However, they are not strictly obligated to urge the sick person in any illness, but only when he is afflicted with a disease in such a way that, considering all things, it can be judged that there is a danger of mortal illness. Ibid., n. 48. Nevertheless, it is advisable to urge the sick person, even if that danger is not feared. Ibid., n. 22. If, however, the sick person refuses confession, and the illness is so dangerous that it is to be feared that he will die if left without a physician, then theologians teach that it is not permissible for the physician to abandon him, lest the sick person lose hope of recovering his health, and therefore, of repenting. Ibid., n. 47. Laypersons practicing the art of medicine or surgery, according to the prescriptions of their art, do not incur irregularity, even if a sick person dies under their care; nevertheless, for caution's sake, they seek and obtain a dispensation, if they intend to be promoted to the sacred orders. However, such dispensations are not granted unless first heard by the Bishop, to whom it is ordered to report all cases worthy of attention, and their particular circumstances, and also to explain for what reason the petitioner seeks to be promoted to the sacred orders. De Syn. diœc., l. 43, c. 40, n. 4. Those who have already received the sacred orders, or even those with an ecclesiastical benefice, are necessarily required, according to the prescriptions of the sacred canons, to request an indult, if they wish to practice the art of medicine. This indult is not granted unless the reason is explained, namely, that the place in which the petitioner lives, and wishes to practice, either has no physician, or is so poorly provided with one, or that his family is so impoverished.

[*Latin ed. p. 164*]

It is necessary to provide for them from honest gains derived from the medical profession. Ibid., no. 6. Regular clergy engaged in missions are granted a privilege, primarily through a bull of Clement XII, so that they

Translated by churchlatin.ai, a product of Boyne Archives

may practice the medical art. However, they cannot enjoy this privilege unless they are skilled in that art, and they prescribe remedies gratuitously, and finally, they abstain from incision and cauterization. Finally, it is required that there are no lay physicians present; or, if there are, that they are heretics or Jews, as decreed by the Congregation for the Propagation of the Faith. Ibid., no. 7. Regular clergy, by reason of the nature of their institutes, who administer hospitals, cannot practice the medical art outside of those hospitals. Ibid. In the aforementioned apostolic indulgences granted to monks or clerics, this limitation is always added: without incision and cauterization. Ibid., no. 8. To secular clerics who have received permission to provide for their families, this permission lasts as long as they receive certain ecclesiastical revenues, or a residential benefice. Furthermore, it is stipulated that they should not demand anything from the sick, since it is not forbidden to a secular cleric to accept what is spontaneously offered, except from those who are truly needy, from whom they cannot possibly receive anything. Ibid. However, to regular clergy who are granted indulgences, it is always given with the modification that they should receive nothing at all from the sick. Ibid. Furthermore, these indulgences are usually not granted to clerics or regular clergy unless, first, a testimony is heard from the Bishop, attesting to the man's expertise in that art, and to the need for a physician in that city or town. Moreover, for regular clergy, a testimony from their superior regarding the character of the one requesting the indulgence is also required. If the testimony of the Bishop is not presented, nevertheless, the execution of the pontifical brief is entrusted to the Bishop, who, having fulfilled the assigned task, is obliged to inform himself of all these matters. Ibid., no. 9. The practice of surgery is granted to secular and regular clergy with much difficulty, and only when there is absolutely no lay surgeon available; and even then, without incision and cauterization. Ibid., no. 44.

MEDITATION. SEE PRAYER. MASS. The sacrifice of the Mass is a propitiatory and eucharistic act, that is, an act of praise and thanksgiving for benefits received; it is propitiatory, by which sins are expiated, not in the same way as baptism and penance; for it remits sins through the infusion of grace.

[*Latin ed. p. 165*]

The sacrifice of the Mass bestows a grace of penance, or a particular grace, by which one is moved to contrition, or to obtain absolution through the sacrament of penance. As for the remission of the penalty, having already remitted the guilt, it remits it immediately; I say, it remits it to him for whom it is offered, but in the measure that pleases God. *De Sacrificio Missae*, book 2, chapter 43, paragraph 47. Finally, it is a means of obtaining spiritual and temporal goods. *Ibid.*, paragraph 19. Does the same efficacy result whether the Mass is celebrated by a good or a wicked

Translated by churchlatin.ai, a product of Boyne Archives

priest? The answer is that the fruit resulting from the work performed is never diminished, and it will always operate, provided that no impediment exists. *Ibid.*, paragraph 20. Another fruit arises from the entire Church offering its services through the ministry of its priests. The Church, indeed, is always holy, beautiful, without any blemish or stain. A third fruit comes from the celebrant himself; and it is said to be, like the fruit of the one performing the action, diminished or increased by the holiness of the priest. *Ibid.*, paragraph 4. The Mass has three fruits: the most general, of which all the faithful are partakers; the most special, which the priest enjoys; the intermediate, which the priest applies for those for whom the Sacrifice is offered. *De Sacrificio Missae*, book 3, chapter 8, paragraph 4. The matter of the sacrifice of the Mass is wheat bread and wine from grapes. If, however, there were a great mixture of flour from other grains, and the mixture of water exceeded the wine, this matter would be unsuitable for consecration. *De Sacrificio Missae*, book 3, chapter 40, paragraph 45. Nothing new, and especially not water, should be poured into the chalice after consecration. *Ibid.*, paragraph 46. Otherwise, St. Thomas believes that the sacrament might have suffered some corruption, unless perhaps the quantity of the new liquid was so small that it could not spread to all parts. However, this opinion is not equally approved by all scholars. For the essence of the sacrifice, the consecration of both species is necessary, which was also observed by Christ the Lord in its very institution; hence, it is not permitted to anyone to consecrate under only one species; although if this were done by a priest, the consecration would indeed be valid, but he would incur a grave sin, and he would perform a sacrament, but not a sacrifice; for then the mystical immolation of the victim would be lacking. *Ibid.*, paragraph 19. The priest, uttering the words of consecration over the bread and wine, but outside of Mass, consecrates validly, but illicitly, for all the power of consecration consists in the words of Christ. *De Sacrificio Missae*, book 3, chapter 44, paragraph 44. A defect can occur in the form of consecration, which renders it invalid, and a defect which renders it only illicit. You would call it illicit if it is...

[*Latin ed. p. 166*]

The voice matters, for it is the word. Also, if, in a certain place, this is said instead of that, it is invalid if that is substituted for this, or if a word is taken from here instead of an adverb. It is doubtful whether the consecration of the chalice is valid, if only these words are pronounced: "This is the chalice of My blood," and the rest are omitted; therefore, if this should happen, the words of consecration of the wine must be repeated, under the condition of the words of consecration. Ibid., chapter 45, paragraph 45. The priest validly consecrates, even if he is infected with a mortal sin, excommunicated, a heretic, or degraded. However, in order to lawfully celebrate, he must be in the state of grace and free from mortal sin. Ibid.,

Translated by churchlatin.ai, a product of Boyne Archives

chapter 44, paragraph 4. Otherwise, he makes himself guilty of a double fault, namely, by worthily or unworthily receiving the sacrament, and by ministering to himself unworthily. Ibid., paragraph 2. The Council of Trent, session 43, chapter 7, on the Eucharist, forbids a priest who is guilty of a mortal sin, however contrite, from celebrating, unless he has first expiated his sin by sacramental confession. Ibid., paragraph 3. However, it permits priests to celebrate after only an act of contrition, provided that a serious necessity compels them, and there is no opportunity for confession; at the same time, it commands that, in such a case, he who celebrates in this manner should confess as soon as possible. Ibid., paragraph 4. And thus, the divine precept transmitted by the Apostle is explained: "Let a man prove himself." In the case of urgent necessity, however, contrition alone is not sufficient, but true contrition is required, or at least contrition which the priest, without fault, considers to be true contrition. But that precept, "as soon as he confesses," is a true precept, and not a suggestion; nor is it to be understood in such a way that the priest is not obliged to confess his sin, unless he is to celebrate again. All of these things are explained more fully, derived from various condemned propositions. Ibid., paragraph 5. Urgent necessity, of which we speak here, is considered to exist if the priest, by not celebrating on that day, would cause offense and scandal. Also, if a parish priest must celebrate in order to administer the Eucharist. Some add that it is sufficient for the celebration in this state if a soul has recently departed and probably needs the sacrifice; but this is less approved by others, and rightly so, since all souls in Purgatory need the sacrifice. Ibid., paragraph 6. But what if, after the Mass has begun, the priest remembers a mortal sin that he has not confessed, or that he is subject to some censure, or that he has not observed a fast? Indeed, if he remembers the sin, or the fast not observed, before the consecration, he is obliged to abandon the Mass, unless a just fear of great scandal suggests otherwise. But if he remembers after the consecration, he should complete the Mass, and receive the sacrament, having made contrition beforehand, if a grave sin has not yet been atoned for (and having made a firm purpose of will) to fulfill the precept of confession and absolution afterward. But if he cannot be contrite, it is better to allow the scandal to occur than to celebrate the Mass and receive the sacrament unworthily.

[*Latin ed. p. 167*]

The question of whether a scandal is caused by someone departing from the altar is twofold: if, while celebrating Mass privately with only one minister, a priest remembers a grave sin committed, the question is whether it constitutes a scandal; some believe that the least scandal occurs if only a young minister, or the celebrant's servants, or a friend, is present. Ibid. n. 9. If, on that same day, before the Mass, a priest has committed a grave sin, of which he is nonetheless sorrowful and has confessed, it is not fitting for

Translated by churchlatin.ai, a product of Boyne Archives

that same priest to celebrate Mass on that day, because although the guilt of sin is removed, the continued uncleanness of the body is not. Ibid. n. 41. The same applies to someone who has felt a pollution of his own body, but has not consented to it. Although there is no fault in him, it is nonetheless improper to approach the sacrifice; especially if stubborn, wicked thoughts are present in his mind. Ibid. n. 42. What is to be determined if a defect is discovered, either in the bread or in the wine of consecration? The rubric is repeated, which commands: if it should happen that, after the reception of the blood, it is first noticed that the host is defective for the Sacrifice, a new bread must be taken, and the wine with water, and the words of consecration repeated over both, beginning with those words: "Who, on the day before He suffered..." Some believe that it suffices to consecrate only the host; but the proper order is not observed; this is the case for two reasons, from which the rubric commands the consecration of both. Therefore, the rubrics of the ancients. Ibid. cap. 45. n. 2. If, however, after the consecration and after the host has been taken, it is discovered that the wine was unsuitable for consecration: must a new host and new wine be added, and a new consecration of both be performed? This is what St. Thomas and his disciples believe. But after the rubrics of the Missal were reformed under Clement VIII, it is written there: if the Mass is celebrated in a public place before many people, to avoid scandal, it suffices to add new wine with water, and to consecrate it immediately and take it. Ibid. n. 3. 4. etc. If a defect occurs in the bread and wine, and is discovered before consecration, suitable material must be added; if after consecration, the Mass may be omitted safely; if after the reception, it must necessarily be omitted, unless perhaps a multitude is present to hear the Mass, in which case the priest may recite some prayers in a low voice, which do not pertain to that part of the Mass, and give the blessing to the people. Ibid. cap. 45. n. 9. If water is not infused into the chalice, and this is recognized before consecration, water must be immediately infused; if after consecration, the Mass must be celebrated. Ibid. n. 40. If a fly or a spider falls into the chalice before consecration, the wine is poured out, and new wine is added. If this happens after consecration,

[*Latin ed. p. 168*]

Whatever it may be, it must be extracted, washed, and burned, and the residue, along with the ashes, must be placed in the sacrarium. Thus, Saint Thomas. Ibid., n. 41. If poison is found mixed in before consecration, it must be preserved, as if it were pure, but if it is found after consecration, it must be transferred to another vessel, and it must be kept there until the substance of the wine has dried out, so that another wine may be consecrated; as Saint Thomas states. Ibid. Wine that is added is not to be used in the Mass; if it is used, however, the sacrament is invalidated; neither do the religious who are celebrating sin, nor do they have the authority to change

Translated by churchlatin.ai, a product of Boyne Archives

the wine; for this binds their superiors in sin, as is noted in *Quarto* and *Merato*. *Institutiones Ecclesiasticae*, 77, n. 2. Wine that is made from water with the addition of must, which the ancients called *lora* or *lora*, is unsuitable for the sacrifice, as the Theologians affirm. Ibid., n. 4. It is forbidden under a grave sin to use that diluted wine, which is made from must and water in equal, or nearly equal, quantities, as the Theologians state. *Institutiones Ecclesiasticae*, 77, n. 6. However, it is permissible to use wine for that purpose, which, although made in that way in some regions, has some water mixed in, for it is the usual wine. Ibid., n. 7. If drops of wine are found outside the chalice, they are to be considered unconsecrated and wiped away with a purificator. If they are found inside, they are to be considered consecrated, and taken up with a second purificator. *De Sacrificio Missae*, book 3, chapter 47, n. 7. In general, Saint Thomas advises that, if something is omitted in the Mass, or if it is certainly known that something has been omitted, and it is not necessary for the sacrament, it should be overlooked; but if it is necessary for the sacrament, it should be repeated, and the rest of the things should be carried out in order. Ibid., chapter 16, n. 46. When new priests celebrate Mass with a Bishop, they should not conform their intention so that they understand that they are consecrating at the very moment that the Bishop pronounces the last words, whether they have completed the formula before or after; for then the effect of the formula would remain suspended; but they should be so disposed in their minds that they make every effort to pronounce the last words with the Bishop, and thus consecrate together with him, from which the effect follows; so that if they do not join their words with the Bishop, they do not consecrate, because they do not have the intention of consecrating. Ibid., chapter 46, n. 6. Priests celebrating Mass with a Bishop are not at all permitted to receive an alms for that sacrifice, because the one who gives an alms asks for a Mass in the usual way. *De Sacrificio Missae*, book 3, chapter 46, n. 40. The intention of offering a Mass is sufficient if it is habitual: for it is like a certain donation, which is always valid, even if it was made long before. Ibid., n. 8. The time of offering a Mass is sufficient if it is after...

[*Latin ed. p. 169*]

Concerning the application of the Mass, it is ambiguous. It is fitting that the priest apply the Mass as he prepares himself for it. Book [number] [number], paragraph 9. A beneficiary, to whom it is enjoined by the testator to celebrate Mass on certain days, without a clearly stated application for himself or for others, ought on those days to apply the Mass for the founder of that benefice: as the Sacred Congregation of Councils has frequently responded. *De Sacrificio Missae*, Book 3, Chapter 9, paragraph 2. It is permissible to say, if the founder has commanded that prayers be offered for him in the Mass, because it is presumed that he has indicated the application by the name of the prayer: unless, however, it can be deduced from

Translated by churchlatin.ai, a product of Boyne Archives

other circumstances that the intention of the founder was otherwise; as, for example, if, having founded several benefices, in some he commanded the application, and in others prayer, as is evident from the resolutions. Sacred Congregation, Book [number], paragraph 3. If a superior commands a priest to apply the Mass to a certain person, but the priest offers it for another, the priest is indeed guilty of disobedience, but the application depends on the will of the priest, since he is a minister and a dispenser of his own sacrifice. Book [number], paragraph 4. Concerning the application of the Mass with regard to parish priests. See *Parochus*. A conventual Mass must be celebrated daily in collegiate churches, and applied for the benefit of the benefactors in general; and it is not sufficient if it is applied for only one benefactor, nor is it sufficient if the beneficiary, or canon, is obligated to apply it elsewhere from another obligation. However, if the endowment of the benefice is very small, nevertheless provision must still be made from the distributions; and if both the distributions and the endowment are very small, then recourse must be had to the Congregation of Councils. Thus, the Pope in the Encyclical addressed to the Bishops of Italy, beginning with the words *Cum semper*. However, the application of a previous Mass is sufficient, even if several are sung in the collegiate church. Book [number], paragraph 22. If, after the purification, the priest notices that fragments remain in the corporal, or in the paten, whether they are large or small, these must be consumed, just as the fragments that remain after the distribution of the Eucharist to the faithful after the Mass are to be consumed. *De Sacrificio Missae*, Book 3, Chapter 47, paragraph 3. However, if what remains is not a fragment, but a whole host, large or small, this, after the purification, is not to be consumed, but is to be either reserved in the tabernacle or placed in the paten, so that it may be kept for another priest who will celebrate soon: and if this cannot be done, it is to be consumed. Thus, according to the rubrics. Book [number], paragraph 4. That part of the host which is separated in the lower part of the host, when it is broken into two parts, if it does not mix with the wine in the mouth, but remains in the chalice, it is preferable, rather than being reduced to the mouth of the chalice with a finger, that it be taken up with new wine. *De Sacrificio Missae*, Book 3, Chapter 47, paragraph 4. If the priest has already returned to the sacristy after the Mass, and has not yet removed his sacred vestments, he must consume the fragments, if any are noticed to remain in the paten. However, if he has removed his sacred vestments, whatever remains of the sacrifice must be placed in the tabernacle, if it is present; otherwise.

[*Latin ed. p. 170*]

It is either not permissible to take [a particle of the Eucharist] without some astonishment of the people, or it must be taken. Thus, from St. Thomas, Book 5, chapter 5. A priest would sin gravely if he were to return

Translated by churchlatin.ai, a product of Boyne Archives

the Host consecrated in the Mass to the tabernacle, and instead take the Host that was previously contained in the same tabernacle. Thus, from the Canon's Relatio, Distinct 44, chapter 8. If the priest celebrating has a Host of small size, it would be better if he were to teach the people not to be astonished if he uses it for a larger one, which is then lacking; rather than using the opinion of some, who believe that it is possible at that time to take from the tabernacle a larger Host, which may be present there, and to use it for the elevation. Chapter 9. If the pyx is morally present to the priest, being full of small Hosts, but it has not been opened before the offering and consecration, it would indeed be illicit to do so, but since it is morally present to the priest, the consecration would be valid; which is true, even if, when he consecrates, he does not actually think of the particles. Moral presence is said to occur when it is present in such a way that the words of the formula "hoc est corpus meum" or "hic est corpus meum" are considered to be verified. Chapter 48, paragraphs 2 and 3. If particles are brought to the altar after the offering has been completed, the priest should not consecrate them without a legitimate reason, such as if a large multitude of people, prepared to receive the Eucharist, would otherwise be deprived of the sacrament; in that case, the priest should first offer them mentally before consecration. Having already begun the Canon, if a particle is brought, it should not be consecrated, nor for giving the Viaticum to the sick, because in that case it would be sufficient if the priest separated a small portion from his own Host. Chapter 5. If it should happen that the pyx is brought to the altar, and the priest does not notice it, and therefore the person bringing it does not think of the pyx when uttering the words of consecration, then, if the pyx is not above the sacred stone, the priest is not considered to have intended to consecrate; otherwise, he would be considered to have intended to do something that is illicit for him. Although there are Doctors who hold the contrary opinion, nevertheless, since we are bound to follow the safer opinion, leaving the probable one, it is therefore clear in this case that the particles should not be distributed to the people, but should be reserved, so that they may be consecrated under a different condition in another Mass. Chapter 6. If there are eleven Hosts present to the celebrant, and he intends to consecrate only ten, and does not specify which ones, then none of them would be consecrated, as we learn from the rubrics. Therefore, the priest must direct his intention so that he wishes to consecrate everything that is placed before him. From this it is understood that a priest, who with this intention has two Hosts in his hand, believing that he is holding one, truly consecrates both. Chapter 7. To celebrate Mass twice in the same day, even if there is a cause of necessity, no one can, even if he is a parish priest,

Translated by churchlatin.ai, a product of Boyne Archives

unless he has the permission of the Bishop.

[*Latin ed. p. 171*]

which, however, is granted for particular reasons, not as a privilege. Thus, the Pontiff states in the *bulla*. A priest, who ought daily to perform the sacred office himself, may sometimes omit it, either because it is presumed to be the will of the founder, or in order to attain a greater piety, as is explained in chapter *Significatum*; concerning endowments; he may not, however, on the day he is free, perform the sacred office and attribute it to another, having received an alms. *De Sacrificiis Missæ*, Book 3, chapter 22, paragraph 3. Nor may he receive a double stipend for the same Mass, applying the average amount to one, and the special amount to the other; and the Congregation of Holy Office condemned this opinion, and Alexander VII, in Proposition IX, among the condemned. Ibid., paragraph 5. A priest who holds a benefice, in whose foundation it is expressly stipulated that he is not to be bound to offer the sacrifice, whether he may demand a new stipend for its application? It is not forbidden; but neither is the contrary opinion condemned, and the decrees of the Holy Congregation do not appear to the contrary. Ibid., chapter 22, paragraph 7. However, if nothing is expressly stated in the foundation of the same benefice, which would allow the testator to remit the application of the sacrifice at the priest's discretion, then one must always adhere to the obligation of applying the Mass for the testator, as is evident from the decrees of the Holy Congregation. Ibid. Masses celebrated in a privileged altar must always be for the repose of the soul, unless a double feast or a Sunday occurs; in that case, an indulgence is acquired, even if the Mass is celebrated for the feast day. This is the case whether the altar has a perpetual privilege, or for seven years, or only on certain days of the week. Therefore, if a testator orders that Masses be celebrated for him on certain days of the week at a privileged altar, and one of those days falls on a double feast, it suffices for the testator if the Mass is celebrated for the feast day. The same applies to days on which a double feast does not occur, but Masses for the dead are forbidden. All of this is from the decrees of various Pontiffs, the most recent of whom is Clement XI. *De Sacrificiis Missæ*, Book 3, chapter 23, paragraph 8. Masses at a privileged altar must be for the repose of the soul, unless they fall on a day on which those Masses cannot be celebrated, either because of a double feast, or for some other reason. This is evident from the decrees of many Pontiffs. *Institutiones Ecclesiasticae*, 34, paragraph 27. Private Masses for the repose of the soul are not celebrated on double feasts, and on Sundays, nor within the octaves of Epiphany, Easter, and Pentecost, nor on the first day of Lent, nor throughout Holy Week, nor on the vigils of the Nativity of the Lord, Epiphany, and Pentecost, nor, finally, within the octave of Corpus Christi and the Nativity of the Lord, nor when the Blessed Sacrament is exposed.

Translated by churchlatin.ai, a product of Boyne Archives

Ibid., 28. Solemn and chanted Masses for the Dead, on which day the testator has pre-

[*Latin ed. p. 172*]

It has been written that, and it can truly be the annual commemoration of the deceased, even if the office is of the double or lesser rank. Thus, according to the decree of the Sacred Congregation *De Sacrificio Missæ*, book 3, chapter 23, paragraph 5. However, this does not apply to Sundays and holy days of precept, nor to those days on which a double Mass cannot be celebrated. See *Institutiones Ecclesiasticae*, 5, paragraph 24 and following. When the Body of Christ is present, the Mass for the Dead is sung, except for those of the first class (double Masses). These words are from the decree of the Sacred Congregation *Rituum* of July 5, 1698. However, it is not entirely certain whether this prohibition applies to all double Masses of the first class, and not only to the more solemn ones. See *De Sacrificio Missæ*, book 3, chapter 23, paragraph 5. The third, seventh, and thirtieth days, which have a Mass with a proper prayer in the Missal, have no privilege over other private days. Ibid. If a parish priest serves two parishes, and the people of one parish cannot come to the church of the other, and there is no other priest available, he can celebrate two Masses on the same day. See *De Sacrificio Missæ*, book 3, chapter 5, paragraph 4. However, the Bishop must at least ascertain whether there is truly such a necessity that it is necessary to celebrate twice. This is truly the only case in which it is permissible to celebrate twice; for it is not permissible to repeat the Sacrifice, even for the arrival of guests, even noble ones, or princes, or a Bishop who has not heard Mass on a feast day, and no other priest is present; nor is this such a necessity as is required in chapter *Consulwisti, de celebrat. missarum*. Also, for the same reason, it is not permissible to celebrate for the blessing of marriages, which cannot be postponed to another day. Then the marriage can be celebrated without Mass, and the blessings can be transferred to the following day. Ibid., book 3, chapter 5, paragraph 3. But what if it is necessary to administer the Eucharist to a sick person? Indeed, if the priest has already celebrated Mass, then, since he is not fasting, it is not permissible for him to celebrate again. If he has not celebrated Mass, he can provide for that necessity by giving a part of the Host. If the priest is truly reminded of the need to administer the Eucharist to a sick person, after having received the Eucharist himself, but not yet having received the ablutions, then he can certainly celebrate another Mass. Ibid. When, perhaps, a church has received so many offerings for Masses to be celebrated in its chapel that it is not possible to fulfill them within the week, the Sacred Congregation has ordered that those that remain be celebrated in other altars of the same church, and has also ordered that, from then on, the faithful who offer offerings be informed of this matter, by means of a written notice displayed in a visible place in the church. See

Translated by churchlatin.ai, a product of Boyne Archives

De Synod. diœc., book 12, chapter 7, paragraph 5. Although the Sacred Congregation has often decided that it is not permissible for a parish priest to prohibit Masses from being celebrated in public oratories located within the boundaries of his parish, before the parish Mass; however, if the Bishop prohibits this in a synod, so that the people are not drawn away from the parish Mass, and con-

[*Latin ed. p. 173*]

The aforementioned constitution holds, and obedience is due to the Bishop. From the Synod of [Trent], book 4, chapter 7, paragraph 7. Mass is to be celebrated from dawn until midday; however, the anticipation of the third hour [of the Divine Office] is permitted, as is the prolongation of the third hour after midday, as stated in the decree of Benedict XIII, *Instituta Ecclesiastica*, 42, paragraph 4. The Bishop has the right, even under canonical penalties, to forbid religious orders from celebrating Mass outside of the customary hours, as affirmed by the decrees of the Holy Congregation. *Instituta Ecclesiastica*, 68, paragraph 42. No one, whether secular or religious, is to be admitted to celebrate Mass unless they present testimonials, and these must be examined and approved by the Bishop; and the Bishop can, with good reason, even require this of external regular priests, considered by the Holy Congregation, *Instituta Ecclesiastica*, 34, paragraph 4, and in the decrees of the Synod of [Trent], book 9, chapter 45, paragraph 5. The Council of [Trent], session 23, chapter 4, urges Bishops to ensure that priests who do not have charge of souls celebrate Mass at least on Sundays or on more solemn feasts. The question of whether those priests commit a grave sin if they do not comply with the decree of [Trent] is a complex one. Certainly, one would sin gravely who never offered the sacrifice throughout the year; for this would be an indication of a corrupt life, and would cause scandal. From *De Missa Sacrificata*, book 3, chapter 4, paragraph 40. It is also to be observed that Mass must be celebrated if it is necessary to bring the Eucharist to a sick person in a way that cannot be done otherwise. Ibid. It is better to celebrate Mass daily than to abstain from it; however, it must be admitted that a priest acts best if, at times, he abstains out of reverence, or in order to celebrate more devoutly. This is derived from the fact that he who receives the Sacrament daily is closer to the spirit of the Church. It should be added that the hands of the priest are not private, but public, and his work is useful to the Church; and he will obtain more help from God to celebrate Mass worthily through constant celebration. Therefore, it should be established that a priest should, as much as possible, celebrate Mass daily, if, after careful consideration, he can morally assure himself that he is in a state of grace. Neither does a lesser fervor hinder this; for we often experience it unwillingly. From *De Sacrificio Missae*, book 3, chapter 2. In private chapels, in which only one Mass is permitted for the sick, it is permissible for the same

Translated by churchlatin.ai, a product of Boyne Archives

priest to celebrate three Masses on the Nativity of the Lord, as stated in the decrees of the Holy Congregation, *De Sacrificio Missae*, book 3, chapter 4, paragraph 8. Although Bishops no longer have the power to grant permission for Mass to be celebrated in private chapels, they can still have a private chapel in their own homes and allow other priests to celebrate Mass there; as stated in the decrees of the Holy Congregation, *De Sacrificio Missae*, book 3, chapter 6, paragraph 4. This Mass can also be celebrated there according to the proper rites, even in the absence of the Bishop; and all faithful who hear Mass there are bound by the precept.

[*Latin ed. p. 174*]

These things satisfy ecclesiastical requirements. Finally, what is said here about Bishops also applies to Cardinals who are not Bishops. It must be noted, however, that these rules apply to chapels in the Bishop's house, in which a certain and fixed place is assigned. Ibid. book 3, chapter 6, paragraph 6. If the Mass must be celebrated entirely, and it cannot be done in churches, or even in private chapels, it may be celebrated in a place that is not indecent, whatever that place may be, as is exemplified by the case of chaplains in Castro de Ordiales; also, by those who travel through regions inhabited by non-believers, and even on the seashore with respect to those who are sailing. De sacr. miss. book 3, chapter 6, paragraph 7. In order for the Mass to be celebrated at sea, a special privilege is required, and the general clause by which the celebrant is given the power to celebrate in a decent and safe place is not sufficient. It is not permitted, except with the condition that the ship is safe, far from the shore, and that the sea is calm, and that someone, whether a priest or a deacon, is present with the celebrant. Ibid. A priest celebrating Mass, even in the necessity of giving the Viaticum to the sick, commits a grave sin out of irreverence, if he does so without one of the sacred vestments; for the precept of the Viaticum is not binding if it cannot be administered in the manner that is fitting. Ibid. book 3, chapter 7, paragraph 4. The same applies if he celebrates without the lights that are necessary, whether made of wax or oil, and if they are lacking, at least of tallow; however, it is sufficient if, in a time of necessity, there is only one light. Ibid. The same applies if he celebrates without a Missal, in which there is at least the Canon. These things are derived from the Decretals. Ibid. paragraph 2. A priest celebrating without a minister also sins, as is clear from chapter Is qui, de filiis presbyterorum. However, if the Viaticum must be administered, the priest can celebrate Mass without a minister, and answer for himself. Otherwise, it is better to omit the Mass, although some will deny that he is sinning if he does so. Ibid. number 3. A priest who celebrates in a defiled church, although he sins gravely, as is clear from chapter Is qui, de s. nt. excomm. in 6, nevertheless incurs no penalty, since none is expressly stated; indeed, there are those who believe that he does not sin at all if the consent of the

Translated by churchlatin.ai, a product of Boyne Archives

Bishop is present. Conversely, he incurs an irregularity reserved to the Supreme Pontiff, who celebrates in a prohibited place, as is clear from the same chapter Is qui. Ibid. paragraph 4. A priest bound by a benefice to celebrate twice or three times each week, may postpone the time, unless it appears that the benefactor intended that the Mass be celebrated twice or three times each week, so that the parish, or certain altars, would not lack the Mass each week. De sacr. miss. book 3, chapter 9, paragraph 8. If someone offering alms has prescribed a time for the Mass for a reason that cannot be postponed, the priest who does not observe that time is not exempt from his obligation, and is bound to restore the alms. Ibid. paragraph 6. A priest who has the obligation of a daily Mass, celebrates only one Mass.

[*Latin ed. p. 175*]

It is required that this be applied on the feast of the Nativity of the Lord. Whether the parish priest is also obligated to apply three Masses of that day for the people, is never found in the Sacred Congregation; however, he is obligated, in order to avoid scandal, to celebrate three Masses on that day. Ibid. n. 9. Some teach that on the day of commemoration of the Dead, the daily obligation of the chaplain ceases, and therefore it is fitting for the chaplain on that day, either for all the deceased, which would be the best, or for a particular deceased person. Ibid. num. 9. Canonically appointed officials in cathedrals and collegiate churches, who are obligated according to the rubric to sing more Masses on certain days, whether they must apply all of them for the benefactors, has never been decided by the Sacred Congregation. Ibid. n. 9. The alms for Masses to be celebrated by religious in their churches must be determined by the Ordinary of the place; as stated in the decree of the Sacred Congregation, Inst. Eccl. 56, n. 40. Secular and religious priests cannot demand alms for Masses beyond the amount determined by the Bishop; for there must be a certain proportion between what is given and what is received, and it is for the Bishop to define this proportion; therefore, the priest who demands more is guilty of injustice. However, the giver may give more and the petitioner may receive less, although it can happen that sometimes the priest may be forbidden to receive less, lest a custom of giving less be introduced to the detriment of others. Thus, all of this is broadly stated in the Synod of the diocese, book 5, chapter 9, and what I said last is confirmed by the decree of the Congregation of the Council, given in Saint Severin on July 16, 1689. The stipends for Masses, if any are received for the purpose of celebrating Masses, cannot be retained, but a part of them must be given to the priest celebrating, even if that part contains the customary alms. Otherwise, a lay person who collects Masses in a place where a larger stipend is given and assigns those same Masses to be celebrated by another priest with a smaller stipend, retaining a part of those alms or stipends received, incurs excommunication, while the priest

Translated by churchlatin.ai, a product of Boyne Archives

or cleric incurs suspension by this very act; and this excommunication and suspension are reserved to the Roman Pontiff. Constit. Quanta cura, V. de Inst. Eccl. 56, n. 4. It is forbidden to accept new alms for Masses from those who have old ones to satisfy, provided that, as it is written in the decree of Urban VIII, satisfaction cannot be given to all within a short time. The Sacred Congregation of the Council has defined the reasonable time to be one month. De sacrif. miss., book 3, chapter 24, n. 44. If a church and pious institutions lack revenues, so that they cannot lawfully expend them on the expenses for the celebration of Masses, it is permissible for them to...

[*Latin ed. p. 176*]

Administrators are permitted to deduct from the customary alms, as much as is necessary for the celebration of that Mass, as is certain from the decree of Urban VIII. But from several decrees of the Holy Congregation, it is deduced that in the case of perpetual Masses, something can be deducted from the alms; then it must be considered whether there is anyone obligated to make up the difference, and whether it would be better to provide for the reduction of the number of Masses. Whether the Church is poor or not, nothing can be demanded from those priests who, moved by their own devotion, come to celebrate in a certain church, nor from those who receive no alms from the administrators of the Church. However, this deduction is justly demanded from those who wish to celebrate entirely there, and neither the Church provides for its own needs with respect to furnishings, nor does the one who provides the alms. All of this is found in *De Sacrificio Missæ*, book 2, chapter 24, number 43. The alms received for Masses are to be placed by the regular clergy in a chest with two locks, one key to be held by the local superior, the other by one of the regulars designated by the Chapter, and they are then to render an account of these same Masses before the assembled Fathers, as is clear from the decree of Urban VIII, confirmed by Innocent XII. *Institutiones Ecclesiasticæ*, 72, number 29. Masses should not be so short that they do not last at least a third of an hour, nor so long that they exceed half an hour. *De Sacrificio Missæ*, book 3, chapter 24, number 2. See *Institutiones Ecclesiasticæ*, 34, number 49. During the celebration of Mass, no Bishop should grant permission to cover the head with a false wig, as Innocent XI forbade in his Encyclical, found in La Croiæ, book 6, page 2, number 401; and it is also taught by theologians that this also applies to a small cap. *Institutiones Ecclesiasticæ*, 34, number 44. However, it is commonly noted that priests in Rome also use a hair covering, commonly called a "girello." The same *Institutiones Ecclesiasticæ*, number 4. No one, of whatever rank, can wear a ring on his finger while celebrating Mass, as forbidden by the Holy Congregation of Rites. Ibid., number 45. Nor is it permitted for Protonotaries who are not participating to use a silver instrument with a candle during Mass, as decreed in the document apud Monacellum. Ibid., number 47, which the

Translated by churchlatin.ai, a product of Boyne Archives

Holy Congregation also forbade to superiors of Mendicant Orders and to parish priests, as is mentioned in the letters referred to here, number 46. Furthermore, according to the decrees of Alexander VII, it is not permitted for regularly ordained Abbots, except when they use Pontifical vestments in a solemn Mass, as is clear from the decrees of the Holy Congregation. Ibid. The same procedure should be followed with respect to this silver instrument with an assistant, Ibid., number 48, as decreed by the Holy Congregation of Rites. Ibid. Private Masses are prohibited on weekdays, on the Feast of the Lord's Supper, and on Holy Saturday, not only by the decrees of the Holy Congregation of Rites, but also by an edict of Clement XI, dated May 4, 1742. *Institutiones Ecclesiasticæ*, 38, number 9.

[*Latin ed. p. 177*]

A newly ordained priest is forbidden from processing around the church in his sacred vestments during the celebration of his first Mass, in order to receive offerings; however, he may approach the altar and receive the offerings, as decreed by the Sacred Congregation, *Inst. Eccl.* 56, n. 7. A priest celebrating Mass in another diocese may not substitute the name of his own bishop for the name of the bishop of that diocese, as stated by Pouget and Merato, *De sacr. miss.*, book 2, chapter 17, number 4. A priest is not obligated by command to celebrate three Masses on the Nativity of the Lord, but may celebrate only one. *De sacr. miss.*, book 3, chapter 4, number 5. A "sung" Mass is distinguished from a "solemn" Mass in that the sung Mass is performed with the singing of the choir, but with only one minister assisting; a solemn Mass, on the other hand, has a deacon and a subdeacon assisting; therefore, if a testator requests that a certain Mass be sung for him, a deacon and subdeacon are not required. *Inst. Eccl.* 105, n. 449. The distinction between "prescriptive" rubrics and "instructive" rubrics is a matter of opinion, *De sacr. Missæ*, chapter 44, number 3, but all are prescriptive, although some, due to the minor nature of the matter, impose only a venial sin. Ibid. It is a light sin to celebrate a private Mass without reciting Matins and Lauds, but if it is a conventual Mass, the person who celebrates it before Matins and Lauds (i.e., before that part of the office is celebrated in the choir) may be considered guilty of mortal sin. Likewise, one would incur a grave sin by deliberately and as if with a firm resolution, never celebrating Mass with Matins and Lauds recited. Ibid., n. 4. No one is permitted to leave the altar once the Mass has begun, leaving another priest to complete it, as is stated in the canon, "Nullus Episcopus," de cons., dist. I. What is forbidden there under the penalty of suspension, which, however, is a suspended sentence; nor does it apply if a priest leaves the altar before consecration without a valid reason. Ibid., chapter 44, number 2, where this is defined by the Sacred Congregation. If it happens that a priest, while celebrating Mass, is suddenly struck by illness, or dies, or this happens before consecration, it is not necessary for another priest to continue the

Translated by churchlatin.ai, a product of Boyne Archives

Mass; but if it happens after the consecration of one species, or of both species, then the Mass must be completed, and indeed by command, by a priest who is taken from the beginning; and if the first priest is still alive, and capable of receiving the sacraments, and no other consecrated host is available, a portion of the host consecrated by the second priest must be administered to the sick person, as stated in the rubrics of the Missal. Ibid., n. 4 and 5. A priest who is to complete a Mass can do so, even if another is not present, even if he is not fasting, and even if he is not in the state of grace; in that case, a confessor must be sought from him, and if one is not found, an act of contrition must be performed, and thus the Mass is completed.

[*Latin ed. p. 178*]

But if it were not possible to break the fast, nor for another to complete the Mass before morning, then the host and the chalice must be reserved in the tabernacle, so that they may be kept for the altar until the following day. All of this is from the Rubrics and the Decrees, ibid., nos. 7 and 8. From this, it is understood that the host and the chalice cannot be given to a layperson, if he is present, ibid., no. 6. If, while the priest is celebrating the Mass, the temple is suddenly violated or defiled before the beginning of the canon, the Mass must be interrupted; however, if it has already begun, it must be completed, as stated in the Rubrics, ibid., no. 42. If, while the Mass is being celebrated, a sudden attack by enemies occurs, or an imminent flood, or the collapse of the temple, before the consecration, the Mass must be abandoned; after the consecration, the Sacrament must be taken immediately, omitting the other ceremonies. But if these events occur, the priest can immediately take the host, which has not yet been consecrated with the Precious Blood, and depart, unless, perhaps, in a case where enemies of the Christian religion threaten the priest with death if he does not abandon the imperfect sacrifice. Ibid., no. 43. If an excommunicated person, not absolved, is present, and the Mass has not yet reached the canon, or, as some hold, the consecration, nor can he be dismissed, the Mass must be abandoned; after the consecration, it must be completed. But, after Communion has been received, the remaining parts must be completed, either in the sacristy or in another suitable place. Ibid., no. 44. The Mass is also properly interrupted, even for a long time, in order to baptize a dying infant, who would otherwise die without baptism, or to hear the confession of a sick person, who would otherwise not confess, or even to administer the Extreme Unction. However, the priest must take care that the Sacrament is diligently guarded in the meantime, and when he returns, the Mass must be resumed from the point where it was interrupted. Ibid., no. 45. If the Gospel and the Creed have already been recited, and a prince, whether lay or ecclesiastical, arrives who has not heard Mass on a feast day, some Decrees state that it is not possible to resume the Mass

Translated by churchlatin.ai, a product of Boyne Archives

in its entirety. Ibid., no. 46. Benedict XIII, in the Council of Rome, as Pope Innocent XIII had previously prescribed to the superiors of religious orders, warned that in determining the sum of money for perpetual Masses, sixty Roman scudi should be defined, neither exceeding nor diminishing this amount. De Sacrif. Miss., book 3, chapter 22, no. 9. The Masses of St. Gregory, which were formerly prohibited by the Holy See, were certain special Masses, which were referred to as being full of absurdities. However, thirty consecutive Masses, according to the custom introduced by St. Gregory, were not forbidden, but the priest must celebrate them according to the rite of the Church, for which reason they must be interrupted on three days of the greater week. Ibid., chapter 25, no. 3; Institutiones Eccl., 34, no. 21. The bishop can indeed visit the parochial churches of religious orders, but whether he can also inquire about the obligations of Masses, whether they are im-

[*Latin ed. p. 179*]

It is necessary to consult the Holy Congregation, and the response has not yet been issued. However, the Bishop can inquire whether the parish priest has celebrated daily on feast days for the people, since this concerns the care of souls, regarding which the Bishop has the right to inquire during his visitation. From the Decrees of the Council of Trent, it is stated in book 43, chapter last, paragraph 5: "It is permissible for the Bishop to visit the confraternities of laymen established in regular churches, and the altar, if it is their duty to maintain it, and the obligations of Masses, to which those confraternities are bound, as decreed by the Holy Congregation." Ibid., paragraph 6. "If a testator has left provisions for Masses to be celebrated annually in regular churches, and has permitted his heir to designate the priest by whom they should be celebrated, the regulars cannot demand that one of their own be designated, nor can they refuse to allow the Masses to be celebrated in their churches by the priest designated by the heir, provided that suitable compensation is given, as stated in the response of the Holy Congregation." Ibid., paragraph 7. "Regarding mandates and warnings, etc., by which the execution of provisions and statutes for the preservation and increase of divine worship, especially concerning the celebration of Masses, is delayed, in order to carry out the decrees of the Council of Trent, session 21, chapter 8, and session 22, in the decrees concerning what must be observed and avoided in the celebration of Mass, it is not permissible to admit judicial acts in the tribunal by which their execution is hindered." It is not obligatory for priests to administer the Eucharist to the faithful during the Mass, if the parish priest or Bishop deems it more fitting that this administration take place at the altar where the Blessed Eucharist is reserved outside of Mass. Encyclical to the Bishops of Italy. "It is permissible for any faithful person, to attend Mass on feast days in any church, even if it is not their parish church, in order to fulfill their Easter

Translated by churchlatin.ai, a product of Boyne Archives

duty, as is the custom everywhere, which, since it is universally observed, acquires the force of common law." From the Decrees of the Council of Trent, book 41, chapter 14, paragraph 40. "Secular priests are forbidden to read the Mass in regular churches, but they must use the Roman Missal, provided that they can recite the Mass of the saint for whom the regulars are performing their office, taking it from the Common of Saints in the Roman Missal, as decreed by the Holy Congregation concerning chaplains and confessors of nuns, with the approval of Pope Clement XI." From *De Sacrificio Missae*, book 3, chapter 23, paragraph 4. *Institutiones Ecclesiasticae*, 34, paragraph 20. "It is not permitted for the Bishop to diminish the obligations of Masses prescribed by the founder of the benefice, even if the revenues left have decreased; for the Holy Congregation of the Council has always maintained that the Bishop cannot reduce the Masses. However, the Council of Trent, in session 25, chapter 4, granted the faculty to the Bishops to reduce the Masses assigned in a will or in a disposition made during one's lifetime, in a diocesan synod and in the general chapters of the orders; but this is understood only to apply to obligations of Masses imposed before the Council of Trent, and to reductions that are to be made."

[*Latin ed. p. 180*]

In diocesan synods, or the chapter held shortly after the completion of the Council of Trent, as explained in the Sacred Congregation for Diocesan Synods, book 43, chapter last, paragraph 48. Moreover, it is not permitted for Bishops, etc., to grant dispensations in their synods, etc., because Urban VIII and Innocent XII forbade this in their Constitution concerning this matter. Consequently, it is not permitted for a Bishop to remit these obligations before they are accepted by those to whom they pertain, as defined by the Sacred Congregation. Ibid., paragraph 49. Although Bishops are granted the faculty to remit pious obligations and the burdens of Masses, it is nevertheless clear from the entire context of the dispensation that nothing has been granted to them concerning other obligations, but only concerning the burdens of Masses. Ibid., paragraph 22. If any arrangement includes the burdens of Masses and other pious works, and a reduction is necessary due to the inadequacy of revenues, the Sacred Congregation has decided that other works should be reduced before the number of Masses. Ibid., paragraph 23. However, these things are true, unless a different intention of the founder is discovered from the entire context of the arrangement. Ibid. But if the authority of the Bishops regarding this reduction stems from an extension of the Indult of Rome under Benedict XIII, or from some instruction given by the Sacred Congregation, and it is necessary to reduce either the number of Masses or other pious works, then it is advisable to appeal to the Sacred Congregation. Ibid., paragraph 24. Furthermore, by virtue of the aforementioned concession, it is not permissible to remit Masses whose celebration the Church, etc., has contractually obligated, because this is

Translated by churchlatin.ai, a product of Boyne Archives

expressly cautioned against in the aforementioned Constitution. Ibid., paragraph 25. If a testator has left a certain number of annual Masses to be celebrated for his soul, and has added this or that property for that purpose, and that property is diminished so that it does not suffice for the customary alms for the Mass, then there is no basis for a reduction, but the heir must be compelled to provide what is lacking; for it is presumed that the testator always intended this number of Masses for the benefit of his soul. Moreover, if the words of the arrangement begin with the imposition of an obligation, and then proceed to assign a property, then, since this particle is demonstrative, if the property is lacking, it must be supplemented by the heir. But if the arrangement begins with the designation of a property, and then proceeds to the obligations of Masses, then it must be interpreted strictly, and therefore there is a basis for a reduction, and the heir is not obliged to supplement. All of these things are usually expressed in the instruction mentioned above. Ibid., paragraph 32. If a testator orders the heir to give a property to a legatee, so that Masses may be celebrated from its revenues, the heir, after assigning the property, is bound to nothing else, according to the decrees and the decision of the Rota. Ibid., paragraph 33. But if the testator had ordered the heir to provide so many fruits as are sufficient for the prescribed Mass,

[*Latin ed. p. 181*]

The celebration, and he himself would have provided a suitable fund; if that income is not sufficient, it must be supplemented by the heir. Ibid. In the reduction of perpetual Masses, which is to be carried out through the extension of the Roman Council, it is customary to establish an alms of sixty Roman coins. Regarding chanted Masses, the usual alms are assigned for those Masses which are in force in each diocese, as decreed by the Holy Congregation. Ibid. n. 34. But if several chanted Masses and several private Masses are to be celebrated simultaneously, and the income is not sufficient, those alms must be applied to the celebration of the private Masses, with the burden of the chanted Mass removed, as decreed by the Holy See. Ibid. But if the reduction is made by the Bishop, with the authority contained in the Instruction, it must be determined that the Masses be celebrated, not with that alms which is prescribed by the Indult of the Roman Council, but according to the amount of the manual alms prevailing in the diocese; thus it is clear from the words of the Instruction itself. Ibid. n. 35. If the Bishop has obtained from the Apostolic See the faculty to reduce Masses in his diocese, he can also reduce them for religious, as a delegate of the Apostolic See, if they appeal to him. Ibid. It is forbidden in the Bull *Quemadmodum preces* that new or unusual prayers be recited in the Mass. Those who are not promoted to the priesthood, if they celebrate Mass, are to be handed over to the judges of the Holy Inquisition of the secular court to be punished according to the constitutions of Paul IV, Six-

Translated by churchlatin.ai, a product of Boyne Archives

tus V, and Clement VIII. Also, Urban VIII, in his constitution *Apostolatus officium*, adds to these penalties those under the age of 25, provided they have completed their twentieth year. These constitutions are amended by Benedict XIV in the Bull *Sacerdos in aeternum*, and he adds that the individual testimonies, namely, when the witnesses are singular in their testimonies, are valid for the torture of the accused. However, they are valid for punishment if the Ordinary declares, by simple letters, that the accused has not been promoted by him. In the same Bull, he applies these same penalties to those accused who celebrate only part of the Mass, provided they have completed the elevation. If the accused claims these exceptions, which have been granted by the Pope, whether considered together or separately, it is still not sufficient to prevent them from being handed over to the secular arm if they are laymen, and if they are clerics, to prevent proceedings being taken against them for degradation and handing them over to the secular arm. Furthermore, the Pope declares that those who are not priests are subject to the same penalties if they hear sacramental confessions and impart absolution. However, if absolution has not been pronounced, then a lesser penalty is to be imposed by the ecclesiastical judge. Ibid. §. 8. Benedict XIV grants to priests of the Latin rite residing in ReuÃ, that when celebrating Masses in the churches of the Ruthenian Uniates, if altars, or consecrated stones, and chalices of gold or silver are lacking, they may celebrate Mass upon the antimens of those same Ruthenians, but according to the Latin rite. Bull *Imposito nobis*.

[*Latin ed. p. 182*]

NUNS. The religious profession of nuns, made before the completion of their tenth sixth year (i.e., before the age of ten), and before the completion of the prescribed year of novitiate, is invalid, according to the decree of the Council of Trent, Session 25, chapter 45. See also *De Synodo Dioecesana*, book 13, chapter 12, paragraph 4. However, women who are called Penitent or Converts are excepted; and the regulations concerning their probation must be observed, notwithstanding the decree concerning the profession of nuns, as stated in the decree of the Sacred Congregation of the Council of Trent, *De Synodo Dioecesana*, book 13, chapter 12, paragraph 4. This conciliar regulation concerning the year of probation also applies to a woman who, having used the privilege of six months after marriage, enters religion, and although this privilege yields to the detriment of the one who remains in the world, so that he cannot enter into another marriage unless his spouse, after completing the year of probation, makes her profession. Ibid., paragraph 2. It can also happen that a period of two years must be waited, if the religious spouse changes religious orders after having nearly completed the year of probation, and begins a new probation in that order. If a novice of the Order of the Preachers makes her profession at the point of death, before the year of probation has been completed, which was granted

Translated by churchlatin.ai, a product of Boyne Archives

to them by the Bull of Pope Pius V, it has not been easily revoked by the subsequent Bull of Gregory XIII, which declares that a profession made before the completion of the year of probation is invalid; nevertheless, that profession is valid for obtaining spiritual graces, but not for claiming from the monastery the dowry and other goods that the professed nun brought with her, as has been frequently decided by the Sacred Congregation of the Council of Trent. Ibid., paragraph 6. A woman who has been betrothed by words concerning the future, with both parties taking an oath to enter into and consummate the marriage, can enter religion before the beginning of the marriage, according to the principle: "A promise is not broken by him who changes it for the better," chapter *Pervenit*, on oaths. And it is defined in chapter *Commissum*, on betrothals, although it is said there that it is safer if she enters into marriage, and then enters religion; however, this is either merely advice, or the betrothal did not imply any other promise than that of celebrating the marriage; it did not imply that the marriage would be celebrated and consummated, as is now the case. Ibid., paragraph 8. After a marriage has been validly contracted, but not consummated, it is permissible for a woman to enter an approved religious order, and by her profession, the bond of marriage is dissolved. However, this applies only to true and approved religious orders, in which three essential vows are made, such as the Order of the Knights of Jerusalem, but not to other knightly orders, as stated in the decree of the Council of Trent, Session 24, on marriage, canon 6, and as has been handed down by the learned Fathers. Ibid., paragraph 9. After the marriage has been consummated, if there is the free consent of both spouses, it is certainly possible for the woman to enter religion (and the same can be said of the man), and to make her profession there; however, if the other spouse also consents to this.

[*Latin ed. p. 183*]

Upon entering the religious life, if one is younger, or if one proves to be an old man, he must make the simple vow of chastity. However, if, from either side, the consent freely given before the other's profession is revoked, or even if a valid profession has been made, if the conditions previously expressed have not been fulfilled, the religious is bound to allow the spouse to leave the religious life, as defined in chapter [referring to] *De convers. conjug.* Canon [referring to] *Quia Agatho, casus. 27. qu. 2. cap. Cum sis, de convers. conjug.* Ibid. n. 40. 44. It is not sufficient, however, if, in the case of a woman entering religion, the other spouse does not receive the sacred orders because he is not old, according to the constitution of John XXII, *Antiquæ, tit. De voti redemptione*. Ibid. n. 46. If, however, it is legitimately proven that the wife has committed adultery, and then enters religion, then it is entirely proper for the man to remain in the world, provided that he makes the vow of chastity. Thus, according to the decrees of the Holy Congregation, Ibid. n. 46. Furthermore, in this case,

Translated by churchlatin.ai, a product of Boyne Archives

if it is established by the testimony of a bishop that the man remaining in the world has led a virtuous life, he is granted, by an indulgence, to not obligate himself with the vow of chastity, so that after the death of his wife, he may enter into another marriage. Thus, according to the resolutions of the Congregation, Ibid. n. 46. It has also been granted, on occasion, an indulgence to a man over sixty years of age, so that he may be initiated into the priesthood, provided that his wife, who is almost sixty years old, vows perpetual chastity. Ibid. It has also been granted that a man of seventy years of age, with the consent of his wife, may receive the sacred orders, and that his wife, of the same age, may receive the habit of the Third Order, provided that they live in entirely separate dwellings. Regarding the payment of dowries for women entering monasteries, it is approved that the sum given is not for the purpose of entering religion, but for the contract that the religious order makes with her, obligating itself to her support. If, however, the monastery itself is wealthy enough to provide for the support of the nuns, then it is certainly appropriate to reduce the dowry, and even to remit it entirely, although this should not be done unless it has been previously consulted with the Holy Congregation. Council of [referring to] *Concilii. De Synod. diœc. 1. 44. c. 6. n. 6*. Regarding meals, dinners, and gifts that are demanded by the nuns upon entering, the Pope maintains the prohibition made by Urban V. Extrav. 1. *De Simoni & inter Comm.* De Synod. diœc. 1. 44. c. 6. n. 6. However, it is considered necessary to impose limits on the expenses for preparations, and for banquets and festivities, that are customary upon the entrance of nuns, according to the teachings of Navarri in *tr. de redd. occl.* in the end of the question. Ibid. n. 7. Nuns who are subject to religious rules, according to the Council of Trent, session 25, *de regul.* c. 5, are subject to the local Ordinary as a delegate, regarding their enclosure. This is declared by Gregory XV in his constitution, n. 48, which establishes that the confessors of these religious women should be appointed by their own superiors.

[*Latin ed. p. 184*]

The professions of the nuns must be approved by the Bishop. An accounting must also be given to the Bishop by those who administer their goods, but only in the presence of the superiors of the religious order; if they refuse, then the Bishop himself must provide this. The Bishop is also granted the authority to preside alongside the regular superior when abbesses are elected for the monastery. Finally, it is granted to the Bishop that, if the religious should, by chance, have erred in matters pertaining to enclosure, he may punish them and correct them up to the prescribed penalties. Alexander VII, in his decree 453, grants to the superiors of religious orders the right to enter the scriptorium of the monasteries of those nuns once each year, on the occasion of a visitation. More often, however, for urgent reasons, it is forbidden for them to enter unless in the presence of

Translated by churchlatin.ai, a product of Boyne Archives

the Bishop, or another ecclesiastic appointed by him. In the Church Laws, 29, paragraph 5, the contrary custom, in all these matters, which has been immemorially observed, has often been reprehended by the Holy See. Ibid., paragraph 7, etc. In the visitations of monastic houses, the Bishop is not obliged to announce the day and hour of the visitation to the nuns, nor is he obliged to bring with him a superior of the same order. Ibid., paragraph 48; the Bishop may also administer the Holy Eucharist to the nuns who are subject to the religious order, if they so desire. Ibid., paragraph 9. In the monasteries of nuns, boys and girls of tender age must be veiled, according to the custom observed in Rome. Ibid., paragraph 84. In the election of abbesses, who preside over monasteries subject to religious orders, the religious are obliged to inform the Bishop, if he wishes to be present, either in person or through another, as stated in the decree of Gregory XV, paragraph 48, by which the Bishop must make known his will. However, the Bishop may, in a general synod, decree that he wishes to be present at all such elections, thereby clearly manifesting his will. Concerning Synods, book 8, chapter 42, paragraph 4. The transfer of nuns from one monastery to another is permitted by the highest Penitentiary; who, however, entrusts the execution of this faculty to the judgment of the Ordinary. By the Bull *Pastor bonus*. The transfer of nuns from one monastery to another cannot be done without the license of the Roman Pontiff, unless there is some urgent circumstance, in which necessity demands a prompt departure; in such cases, even for nuns subject to religious orders, the permission of the regular prelate is required, with the license of the Bishop in writing. By the Bull of St. Pius V, *Decori et honestati*. Urgent circumstances are indicated in the same bull, such as a great fire, the infirmity of leprosy, or epidemics, or the plague. Concerning Synods, book 9, chapter 45, paragraph 8. However, it is not permitted to allow such a departure without the authority of the Apostolic See, even if other circumstances may arise that appear to be equivalent to those expressed by St. Pius V in his constitution, such as if, for example, a nun is of such a character that it can prudently be feared that her conduct will lead to scandal and the corruption of others. Ibid.

[*Latin ed. p. 185*]

Superiors of nuns are bound to provide extraordinary confessors to the monasteries subject to them, either twice or three times each year; however, the nuns are not obliged to confess their sins to these confessors, but only to present themselves, so that they may at least receive salutary advice from them. If, however, any nun is seriously ill, to the point of being in danger of death, and requests another priest, who is not the ordinary confessor of the monastery, permission must be granted to her by the respective superior. If the regular superior refuses to grant this, it can be provided by the Bishop. Moreover, if any nun, even outside the aforementioned case, requests for a time a confessor different from the ordinary, this must be granted to her by

Translated by churchlatin.ai, a product of Boyne Archives

her superior. If the regular superior refuses, then the Bishop can fulfill her request, even if it requires a religious of another order, or even a secular priest approved by the superior for hearing the confessions of nuns. The superiors of these nuns are encouraged, if any of them requests, for the sake of greater peace of mind and further progress in the way of God, that it may sometimes be permissible for her to confess to a priest approved for receiving the confessions of nuns, even if he is of another order, or a secular priest, not to be difficult in granting their consent. It is always required, however, that this extraordinary confessor be one approved by the Ordinary for hearing the confessions of nuns. Finally, if the regular superiors do not at least once in the year choose an extraordinary confessor, or a secular priest, or a religious of another order, in that case, this choice devolves to the Bishop. This provision of an extraordinary confessor, twice or three times in the year, as well as all other things prescribed above, must also be provided to other women, whether regular or secular, living in community, who have only one confessor. All of these things, established by various Sacred Congregations, are confirmed by the Pope in the Pastoralis Curæ bull. During the ministry of the extraordinary confessor for the entire community, it is not permitted for the ordinary confessor to hear the confessions of any nun of the same monastery, nor of any other person within the enclosure of the monastery or pious house. Ibid. Regarding censures, or penalties, in cases of hidden faults, even violations of enclosure, or in dispensing from some hidden defect, the Major Penitentiary, confessor to the nuns, grants. In cases of public violations of enclosure, by the nuns, or by anyone else, no absolution is granted unless first the Ordinary has imposed a penance, and the case has been reported by the Congregation for Bishops and Regulars to the Penitentiary. Bulla Pastoral bonus. The annual payments which relatives make to designated nuns do not at all conflict with the common life; but it is required that all be consigned to the hands of the prelate, who must first consult with the indigenous.

[*Latin ed. p. 186*]

Concerning those monasteries of nuns, to which funds are allocated, and if anything remains, it will be distributed for the benefit of others. Thus, according to several decrees. From the Decrees of the Diocesan Synod, book 4, chapter 42, number 49. Entry into monasteries of nuns, which are subject to religious rules, must be done with the permission of the Bishop, notwithstanding any custom to the contrary, as has been decreed after careful examination, with the approval of Urban VIII. Ibid., number 23, in which decree it is also established that these permissions for the nuns must be requested from the Bishop, and not from the superior of the religious order.

MONS PIETATIS (Charitable Foundations). In newly established charitable foundations, nothing more than the agreed-upon interest can be de-

Translated by churchlatin.ai, a product of Boyne Archives

manded from those who receive a loan from it, even under the title of expenses, unless with a dispensation from the Apostolic See, as evidenced by a decree of the Holy Congregation of the Council in the Neapolitan case, on February 7, 1637. From the Decrees of the Diocesan Synod, book 40, chapter 5, number 2.

Nor can more be demanded without the approval of the same See than what has been customary previously, even if this increase is deemed necessary for the support of the ministers, as evidenced by another decree of the Holy Congregation, ibid., number 2. If, however, more is demanded than is necessary for the required expenses, the Bishop is obliged to regulate these usury rates; it is safer, however, if he consults with the Sacred Congregation on this matter. Ibid., number 3.

FINES (Penalties). The Bishop cannot add fines to his own funds, even if he is poor, without the permission of the Apostolic See, as is demonstrated by several arguments from the Holy Congregation. From the Decrees of the Diocesan Synod, book 40, chapter 40, number 2. But these fines must be spent for pious purposes.

Much more, these fines, which Trent imposed on clerics who do not reside or who are concubinary, cannot be applied except for pious purposes. Ibid. If, however, the diocesan synod has applied certain fines to a specific pious institution, the Bishops cannot obtain these funds from the Apostolic See, even if they are poor, because the Apostolic See does not prejudice any other right. Ibid., number 3.

These fines, before being applied to their intended purpose, must be deposited with a faithful administrator, as ordered by the Holy See in its Encyclical to all Bishops, on February 5, 1678. Ibid., number 4.

BUSINESS (Commerce). Constitutions against clerics engaged in business are renewed and extended to clerics who, under any pretext, engage in business. They are also extended to businesses begun by laymen and then transferred to clerics.

[*Latin ed. p. 187*]

Those who, whether by inheritance, or by some other title, whether individually, or jointly, or separately, or in conjunction with other goods, with co-heirs, or with lay partners, are engaged in commerce. It is also understood to include those clerics who, either by themselves and in their own name, or through others, or in another's name, even through their co-heirs, are engaged in business. The Pontiff subjects all of these, with regard to goods acquired by them in this way, to the penalties prescribed in the Constitution of Pius IV, which begins "Decens esse," and is number 49 among the Bulls of that Pontiff. These penalties are that the goods so acquired are to be included among the debts owed to the Apostolic Chamber. However, if anyone is exempt from the penalty of spoliation by the

Translated by churchlatin.ai, a product of Boyne Archives

Constitutions of Pius IV, the Roman Pontiff, and Paul V, in "In Eminentes," they are likewise not exempt with regard to goods derived from commerce, as is declared in the Apostolic Constitution "Servitutis," which is in the Bullarium. However, improper commerce is not forbidden to clerics, for example, to provide for themselves through the labor of their own hands and honest craft, which the Apostle Paul taught by his example, and which has also been permitted to monks by the Holy See. Concerning Diocesan Synods, book 1, chapter 10, paragraph 6, number 2. It is also permissible for clerics to sell goods collected from their own properties, as well as those which they have purchased for the support of their families, and if any remain, they may sell them at a lower price than they purchased them, but within the limits of a just price. Ibid. *NUNDINÆ*. The *nundinæ* must be carefully distinguished from markets; for the *nundinæ* occur once a year, or rarely in the same place, and people come from afar to them; whereas a market is where goods are displayed for daily necessities, and it occurs every week, with people coming from the surrounding areas. The latter, if they fall on a holy day, must be postponed. The former, however, are not; although pharmacies should be closed on that day, nor should contracts be made, during the Matins and Vespers hours in which divine services are celebrated in the Church. Thus, Benedict XIV ordered in the Constitution "Ab eo tempore." OBLATES OF MONASTERIES. Oblates, and those called "Donati," although not religious, if they have transferred their own goods, not even to the smallest extent, with regard to ownership and usufruct, but have transferred them to the monastery, are ecclesiastical persons, and enjoy the privilege of the forum and immunity from secular exactions. However, in order to be removed from the jurisdiction of the Bishop, it is required that they actually serve their religion, as the Pontiff clearly teaches. Concerning Diocesan Synods, book 6, chapter 3, paragraph 4.

[*Latin ed. p. 188*]

OBSTETRIX. Midwives ought to be examined more diligently by the parish priest, to ascertain whether they know those things which are necessary for conferring Holy Baptism. Then, if they have baptized, the ceremonies ought to be completed in the church; however, Baptism need not be repeated indiscriminately because the child, having been touched by the midwife or others of a similar nature, but it should be inquired whether anything necessary has been omitted. *Instit. Eccl. 8, n. 6.*

DIVINE OFFICE. In reciting the Divine Office, a dispensation for some moral difficulty can be granted by the Major Penitentiary. *Bulla Pastor bonus.*

PRAYER. The indulgences already granted for prayers, whether recited vocally or mentally, are confirmed in the Bull *Quemadmodum*. Those who have taught rude people the practice of praying or meditating piously,

Translated by churchlatin.ai, a product of Boyne Archives

and who have assisted in these institutions, obtain an indulgence of seven years, and forty quares, as often as they profit from it, provided that they are truly penitent and have received Holy Communion. *Const. Quemadmodum.* Furthermore, those who have done this diligently, once each month, being truly penitent, and having received Holy Communion, and praying according to the usual manner for indulgences, can obtain a plenary indulgence applicable to the souls in Purgatory. This can also be obtained by those who have devoted at least one hour each day during a whole month to mental prayer, provided that they are truly penitent and have confessed, and have received Holy Communion, and have prayed for concord, etc. Therefore, the Pope suggests that Bishops should instruct the superiors of the principal churches in cities, and each parish priest in towns, to invite the faithful at a certain time of day by the sound of the bell, either to come to the church for this exercise, or to perform it privately in their homes.

There are three kinds of people who pray: Firstly, some live in the state of mortal sin and believe themselves to be contrite, although they are not; their prayer, properly instituted, is heard by God. Secondly, others are indeed sorrowful about sin; but not so as to cleanse themselves from it; these, as has been said, can, if they pray to God, obtain at least those things which pertain to their eternal salvation. Finally, there are those who are neither sorrowful about sin, nor do they strive to go forth from that state, indeed, they do not even will it; if they ask anything of God, either spiritual or temporal, they are rarely heard. *Thus Suarez, Instit. Eccles. 62, n. 40.*

[*Latin ed. p. 189*]

PRIVATE ORATORIES. Notwithstanding the decree of Clement XI, it is permitted to Bishops to erect altars, and to celebrate, or to have celebrated, Mass therein, outside of their own houses, in the houses of laymen, when they are acting there in the manner of residents, as if they were there on occasion of a visit, a journey, or having been received as guests. Those who are to be present before whom Mass may be celebrated in private oratories are those who are named on the front, or on the inscription of the Brief; in the absence of these, Mass cannot be celebrated. Ibid. §. 44. 45. However, if someone is named in the body of the Brief, before whom Mass may be celebrated, even if he does not come to the front or inscription of the Brief; nevertheless, Mass may be celebrated in his presence. Ibid. §. 46. The Sacrament of Penance is forbidden to be administered there, nor by the religious themselves. Ibid. §. 20. Holy Communion cannot be administered here, unless the license of the Bishop is added. §. 23. PUBLIC ORATORIES. No right belongs to the parish priest to prevent the celebration of Mass in public oratories within his parish before the completion of the parochial Mass, according to the decrees of the Sacred Congregation, *Inst. Eccl.* 44, n. 41. However, the Ordinary may forbid this, provided that Mass is

Translated by churchlatin.ai, a product of Boyne Archives

celebrated in the parish church at an appropriate hour. These words are from the decree of the Sacred Congregation, Ibid. n. 42. However, in the archiepiscopal see of Bologna, if a public oratory is one mile distant from the parish church, this anticipation is permitted, provided that the chaplain is charged with announcing the holy days, explaining the Gospel, as well as having the Catechism and Christian instruction, which is also commanded by Clement XII in the Encyclical addressed to the Bishops of Italy, dated in the year 4735. Ibid. n. 45. ORDERS. It is certain, by the consensus of all theologians and the definition of the Council of Trent, in session 23, canon 3, that the true essence of the Sacrament is a new law. It is also the voice of all Catholic theologians that this pertains to the priesthood, and it would be a grave error, fraught with danger, to deny this regarding the episcopate, although it is held that the order is not different from the priesthood, but rather its extension, perfection, and complement. Regarding the diaconate, although it is not certainly a matter of faith according to the opinion of some theologians, it seems to be inferred from the definition of Trent. Theologians dispute regarding the other particular orders, although the question of the subdiaconate is sometimes less important than the other lower orders.

[*Latin ed. p. 190*]

The Pontiff declares that he does not presume to define this matter. Therefore, he forbids Bishops from condemning, in their Synods, those who, with a mortal sin on their conscience, would accept the lower orders of deacon, under pain of sacrilege. Although they might be declared gravely guilty of sacrilege under another name, since the sacred order is usually not performed, nor can it be, outside the solemnities of the Mass, in which newly initiated individuals participate in the Holy Eucharist, and he who approaches it with a mortal sin on his conscience would incur grave irreverence. *De Synod. dioces. l. 8. c. 9. per totum.* Regarding the matter of this sacrament, there is doubt (concerning whether it pertains to the priesthood, the episcopate, and the diaconate) whether it consists in the tradition of instruments, or in the imposition of hands, or in both together? Indeed, there are also doubts concerning the imposition of hands; it is threefold. Consequently, if something is omitted in any article of the matter, the Pontiff deems that the entire order should be repeated, according to the response of the Sacred Congregation. *De Syn. dioces. lib. 8. cap. 40.* In the announcements that many Bishops send forth, through their archdeacons, before initiating sacred orders, it is certainly not their intention to ordain those who are held back by irregularity, or by other canonical impediments; rather, the purpose is usually to deter the corrupted. However, they sincerely intend to consecrate anyone they propose. Nor are they to be considered as declaring themselves guilty of a mortal sin, by insisting on a contrary will. All confess that those

Translated by churchlatin.ai, a product of Boyne Archives

who would do so would incur grave guilt. However, the Pontiff deems it best that such an announcement be omitted, and that within the bounds of the edict, which is found in the Roman Pontifical. Bishops should restrain themselves. For in that edict, under pain of excommunication, it is prescribed that no one who is held back by a canonical impediment should dare to approach. *Ibid. c. 44. Vide etiam de hac quæstione, de sacrif. miss. l. 3. c. 40.* Truly, the sacred orders are not to be conferred within the solemnities of the Mass, except by the Bishop who ordains, so that if a Bishop were to declare himself guilty of a mortal sin, who, while another priest is celebrating, himself performed the ministry of the sacred order, the order would nevertheless be valid. *De Syn. dioces. l. 8. c. 44. n. 5. et 6.* The benefice, to the title of which the orders are conferred, should yield only as much from its revenues as is sufficient for the honest support of a cleric, according to a standard to be defined by the Bishop; deducting, however, the burdens, except for those of the Mass, unless the Bishop otherwise determines. If, however, a cleric is ordained in his place of domicile, and obtains a benefice in another diocese, then if the benefice requires perpetual residence, this support should be provided according to the synodal standard of the place where the benefice is located; otherwise, it should be determined according to what Innocent XIII established in his Apostolic Constitution. All of these things are from *De Syn. dioces. l. 42. c. 9. n. 2.*

[*Latin ed. p. 191*]

The sacred orders are conferred primarily as a title of ecclesiastical benefice; and they can only be conferred by the Bishop as a pension or inheritance, or for the necessity or convenience of the Churches, according to the Council of Trent, Session 21, chapter 2, concerning reforms. Moreover, unless necessity or the convenience of the Church is present, it is not permitted, as decreed by the Sacred Congregation of the Council in its Encyclical of May 13, 1679, issued by the order of Innocent XI, *Instituta Ecclesiastica*, 26, number 2. Regarding the conferring of orders, the Pontiff, according to the Council of Trent, Session 23, chapter 2, concerning reforms, does not consider it to be within the Bishop's discretion to grant minor orders to those who do not know the Latin language, even if they show promise of future progress; for the Council requires that they at least understand the Latin language; and the Bishop's discretion, as mentioned there, applies to deficiencies, not to the knowledge of the Latin language. *Instituta Ecclesiastica*, 42, number 2. Since, however, the Council of Trent, in the same place, chapter 14, requires for the sacred orders the knowledge necessary for teaching the people, which is necessary for their salvation, and for administering the sacraments, it is fitting that a full year of study, whether in moral theology, scholastic theology, or canon law, precede the diaconate. Two years are required for ordination to the diaconate, and

Translated by churchlatin.ai, a product of Boyne Archives

three years for ordination to the priesthood. It is not sufficient to have studied only in moral theology, even in Trent, Cham, etc. For the Council requires that the people be able to be instructed in matters necessary for salvation. Ibid., number 3. The dispensation from the requirements for the sacred orders, even for religious, pertains not to their superiors, but to the Bishop who is ordaining, as stated in the response of the Sacred Congregation, *Instituta Ecclesiastica*, 58, number 1. Although it must be submitted to the judgment of the religious superiors, as stated in other decrees of the Sacred Congregation, Ibid. Regarding secular clergy, the Bishop can grant a dispensation if he recognizes that it is required for the utility or necessity of the Church. This utility arises when there are few ministers available; when the one to be ordained is older, and also very advanced in his studies; or when it concerns a parish, or another benefice that requires ordination within the year. Ibid. Furthermore, if someone has obtained from the Apostolic See a dispensation from the requirements, this dispensation is still at the discretion of the Bishop, as Innocent XII stated in his resolution of December 4, 1693, in his Bullarium. Ibid. If someone has obtained a privilege from the Apostolic See to be ordained outside of the usual times, even on three intervening days, with a dispensation from the requirements, he cannot receive the orders on intervening days, but only on feast days, because a feast day is celebrated with a double observance, but not a feast of precept. Although it may be said in the Breviary "on feast days," nevertheless, the term "feast day" in the style of the Apostolic See indicates a feast of precept. In addition, the decree of the Sacred Congregation of the Council defines that feast days are to be considered as feasts of precept. *Instituta Ecclesiastica*, 406, number 6. It is not permitted to confer minor orders except in the morning on Sundays, and... (the sentence is incomplete).

[*Latin ed. p. 192*]

Regarding double feasts, which were added to the Roman Pontifical by the new correction of Urban VIII, it is noted that previously, they were only to be read on double feasts. Therefore, it is not permissible to ordain someone on double feasts that are not feasts of precept, but it is permissible on double feasts that are feasts of precept. *Instit. Eccl. 406, n. 3.*

Some doctors hold that if someone receives the minor orders and, on the same day, is made a subdeacon, he falls under suspension, according to the Decretal in the chapter concerning those who secretly receive orders. However, others deny this. *Instit. Eccl. 106, n. 8.*

Nevertheless, it is forbidden to do this, as affirmed by several decrees of the Holy See. *Ibid.*

If a cleric is to be ordained and is bound by some habit of sin, he must truly demonstrate reasons for consideration, so that the confessor can truly judge him to be contrite. However, he should not, while repentant, consent

Translated by churchlatin.ai, a product of Boyne Archives

to the confessor's suggestion to postpone the reception of the sacred order, but rather should firmly resolve to bind himself immediately with a solemn vow. Whether he can be absolved in such a will, the question is doubtful, and therefore it is advisable to suggest that he consult a prudent and learned man from whom he may seek remedies and counsel. *De Syn. diœc. 1, 44, c. 2, n. 47, 48.*

Minor orders conferred by an Abbot do not grant him any privilege for this purpose, and they are neither lawfully conferred nor valid. However, if they are conferred by Abbots who have the right to confer them on a certain class of persons, and those whom they ordain belong to that class, then they are conferred unlawfully, but are nevertheless valid, as evidenced by various decrees. *S. C. De Syn. diœc. 1, 2, c. 44, n. 8, et 9.*

The Bishop can more easily present himself for examination regarding the religious, as evidenced by *Salm. Theol. Moral. tr. 8, c. 5, dub. 2, punct. 2, n. 47.* He can also more easily obtain a dispensation from impediments by conforming himself to the judgment of the superior of the religious order, who testifies to the sufficiency of the cause. *Instit. Eccl. 23, num. 1.*

A Bishop who is ordaining foreign subjects through direct letters of dispensation is not required to subject them to a new examination, since this is to be done by their own Bishop, according to the common opinion of the Doctors; but if he wishes to subject them to a new discussion, he may do so, as has often been defined by the Holy See. However, a suffragan Bishop, who is appointed to fill the vacancies of the diocese, is neither required nor able, as decided by the same Congregation in the case of Elbor. *Dubior. die 22 augusti anni 1721.* Nevertheless, it is permissible for him to abstain from the ordination if there is a just cause for removing him. *De Syn. diœc. 1, 42, c. 8, num. 7.*

In order for an ordination to be valid, the person being ordained must have a virtual intention, at least external and internal, to receive what the Church intends for him to receive. If, however, someone is compelled by the fear of a great evil to intend to receive the orders, in order to avoid that evil, then the ordination is valid. *De sacr. miss. 1, 7, c. 40, n. 42.*

If, however, he receives them without internal intention, then the ordination is certainly not valid. Nor is it valid if he has an indifferent mind, that is, neither the will to receive nor to refuse the orders.

[*Latin ed. p. 193*]

Concerning the invalidity of this ordination, reference is made to a decree of the Holy Congregation. In the Sacred Congregation, on March 34, 1685, it was discussed whether a cleric (who had falsely presented testimonials of previous ordinations, and therefore, fearing the censures that are usually threatened in such cases in the edict, had the intention of not receiving the order of subdeacon, which was then being offered to him by

Translated by churchlatin.ai, a product of Boyne Archives

the Bishop) had been validly ordained. It was decided on August 24 of the same year that he should be ordained again, under a condition; for it could not be sufficiently ascertained, due to the disturbance of mind that afflicted the cleric, whether he had truly intended to receive the order. Ibid. n. 13. In cases of those who are improperly promoted to the orders, and especially in cases of those who are promoted by jumping steps in hidden circumstances, the Major Penitentiary can grant a dispensation so that the omitted orders may be received secretly from any prelate, even outside the prescribed times, without observing the intervals, and without any preparatory steps; however, not so that more sacred orders may be received on the same day. *Bulla Pastor bonus*. He also grants dispensations in cases of those who are promoted to the sacred orders through simony, but only in hidden circumstances, and in the forum of conscience. Ibid. n. 49. PARISH PRIEST. An actual parish priest, even a regular one, whatever name he may be called by, whether perpetual vicar or one appointed for a time, is obligated to offer Mass for the people on each day of precept, as the Pope commands in the Encyclical addressed to the Bishops of Italy, beginning with the words "Cum semper." If he has other obligations to offer Mass on those days, he must take care to have them fulfilled by others. Ibid. §. 8. However, the Bishop can grant an indulgence to poor parish priests, so that the parish priest himself may fulfill other obligations that arise, of offering Mass on feast days, provided that he fulfills the Mass for the people within the week. Ibid. §. 8. A parish priest who is endowed with more substantial revenues is absolved from the obligation of offering Mass each day for the people; provided that it is not otherwise stipulated in the foundation of the benefice. Ibid. n. 6. The Bishop can punish a regular parish priest who is negligent in his duties, cumulatively with the superior regular; however, if the superior regular determines otherwise, the determination of the Bishop shall prevail. Thus, the Pope states in the bull *Firmandis*. If it is necessary to remove him, the Bishop can do so without the superior regular, just as he can do so with the superior regular, as the circumstances require. Ibid. §. 14. Parish priests have ordinary jurisdiction in the internal forum, but not in the external forum; whatever others may think, therefore, they cannot pronounce any sentence of excommunication, according to the common and accepted opinion. *De Syn. dicæ. l. 5. c. 4. n. 2*. Parish priests are obligated to ensure the blessing of the fonts in the churches under their care.

[*Latin ed. p. 194*]

On the holy Sabbath day, according to the repeatedly issued decrees of the Holy Council. *Institutiones Ecclesiasticae*, 4, n. 2 and following. The successors of bishops can, for a reasonable cause, even outside of a visitation, examine pastors approved for other parish churches, as stated in the decree of the Holy Congregation of Councils, *Institutiones Ecclesiasticae*,

Translated by churchlatin.ai, a product of Boyne Archives

9, n. 46. Indeed, the bishop can perform this action at his discretion, and solely for the sake of his own peace of mind, even if he has no suspicion. Ibid. However, if the bishop wishes to examine those whom he himself has approved, at least an extrajudicial notoriety of ignorance is required. Although this is not required for those whom a lay patron has nominated for a curacy, if they have not been approved in a competition, as stated in the *Rotta* and by Cardinal de Lucca concerning parish matters. Ibid. A pastor is considered to be guilty of complicity if he sins with his female servant, who resides in his house, even if he has a paternal home in another parish. And in truth, he is bound to fulfill the Paschal precept in the parish where he has his service. *Institutiones Ecclesiasticae*, 83, n. 22. It is permissible for a pastor to have in his house women who are related to him in the first and second degrees of consanguinity, and also relatives in the first degree with their female servants, provided that they are not less than forty years of age. Thus, it is decreed by the Holy Congregation for the diocese of Bologna. *Institutiones Ecclesiasticae*, 72, throughout. Although this decree refers only to female servants who cohabit with one pastor; those who perform their duties for relatives of the same pastor, even of a younger age, are permitted, provided that they have a testimony of good reputation. Pastors of another diocese cannot hear confessions in another diocese without the approval of the Ordinary of that place, except for their own subjects. Thus, according to the decree of the Holy Congregation, *Institutiones Ecclesiasticae*, 86, n. 7. Pastors provided through competition are considered suitable to hear confessions throughout the city or town where pastors are established, but not throughout the entire diocese of the approving bishop; as stated in the decrees of the Holy Congregation, Ibid., n. 43. However, by custom, pastors of a city hear confessions in the diocese, and vice versa. Ibid., n. 43. If a pastor renounces his benefice, he requires a new faculty to hear confessions, as stated by the common opinion of Doctors. Ibid. A pastor who has meager income, and a very large population, so that he cannot suffice on his own to hear confessions, is obliged to add another priest as an assistant, and if he cannot do so, the people are obliged to provide what is necessary for the support of the assistant. Thus, according to the decree of the Holy Congregation, *Institutiones Ecclesiasticae*, 94, n. 7. A pastor, knowing from private knowledge that one of the betrothed to be married secretly adheres to a heretical sect, cannot assist at the marriage, just as he cannot if he knew of an impediment that would prevent the marriage. Thus, according to the Diocesan Synods, 1, 6, c. 7, n. 6 and 7.

[*Latin ed. p. 195*]

The parish priest is bound by both material and formal residency, even during times of plague, even if there is a risk of contracting the disease, as evidenced by decrees of the Holy Congregation, approved by Gregory XIII. Concerning the Diocesan Synods, book 4, chapter 49, paragraph 2. This is

Translated by churchlatin.ai, a product of Boyne Archives

true, even if a suitable priest is provided, so that, in his absence, he may perform the duties in his place. Ibid. It is permissible for the parish priest, due to enmities and persecutions, to withdraw from his residence, as stated in the chapter "Concerning Petitions, regarding Renunciation," because then the danger of enmities threatens only the parish priest; therefore, he can substitute another priest who may fulfill his duties without endangering himself. Ibid. But during a plague, the danger threatens everyone equally, and therefore it is more fitting that this distinction be made by the parish priest, rather than by another priest. Ibid. What is said here about the parish priest also applies to the Bishop. During a plague, and to those infected with that disease, the parish priest is obligated to administer the sacraments of Baptism and Penance, as noted in the section on the Sacrament of Penance, but also the Eucharist, so that the parishioners are not deprived of this great benefit in that necessity, unless in that very rare case, in which there would be few priests, or the parish priest; in which case, after administering the Sacrament of Penance to one, there would not be enough time to administer the Sacrament of Penance to others who are dying: or if, by administering that sacrament, he could not avoid death, and thus the people would be deprived of priests, as taught by Suarius. Concerning the Diocesan Synods, book 43, chapter 19, paragraphs 48 and 49. In regard to Extreme Unction, according to the teaching of the same Suarius, the parish priest is then obligated to administer it, as long as he is able to do so without moral danger to his life. Ibid. PROPERTY. Property should not be established in the industry of a cleric, such as if he were a musician, teacher, etc., as the Holy Congregation responded in a Seguntina document in October 4589. Nor can it be established in movable goods, as the Holy Congregation responded on November 29, 1670. Ecclesiastical Institutions, 26, paragraph 7. Pope Benedict XIV declared that he accepted property in a movable chaplaincy, while he was still the Archbishop of Bologna, provided that the patron obligated himself to never remove that chaplaincy as long as the cleric lived, or as long as he did not obtain another benefice or property, and that the same patron, or another, also obligated themselves to provide sustenance to the cleric, if he were prevented from celebrating Mass. Ibid., paragraph 44. Also, he accepted perpetual property, provided that the debtors of the property obligated themselves to deposit the money in a safe place, for the purpose of expending it on new or stable property. Ibid., paragraph 42. Then, the cleric would be obligated to invest that money, under penalty of suspension.

[*Latin ed. p. 196*]

If anyone wishes to assign a sufficient portion of his patrimony for the support of a religious order, provided that this liberality is genuine and irrevocable without the permission of the Ordinary, this can certainly be admitted, as evidenced by various responses of the Sacred Congregation

Translated by churchlatin.ai, a product of Boyne Archives

[Sacra Congregatio] in that place, number 43. It must, however, be ensured that those goods are truly free from other obligations, so that there remains of them sufficient means for the support of the religious order, in that place, number 44. Furthermore, there must be no tacit or express agreement made outside the instrument, so that the possession of the goods remains with the one assigning them. An assignment of patrimony made by a father with respect to a son, in which the father gives to the son everything that belongs to him, to the detriment of the legitimate rights of the other children, is not valid. Similarly, it is not valid if the father transfers all his possessions to a son with the condition that the son support him, unless this is expressly stated in the instrument of the patrimony. Ibid. If someone knows that his patrimony is fictitious, and nevertheless accepts ordination, he remains suspended, according to canon "Neminem" and canon "Cunctorum" in the Dist. 70, and according to the decree of the Sacred Congregation in the year 4610. However, if he does not know this, but the Ordinary does, and yet ordains him, the Ordinary does not incur suspension, but is obligated to provide for the support of the ordained from the revenues of his own patrimony, according to the force of the same canons and the opinion of the Sacred Congregation, Council number 46. The alienation of patrimony without the permission of the Ordinary is null and void by law, as evidenced by the decrees of the Sacred Congregation in that place, number 28. Nor can it be converted into other goods, or into another benefit, without the permission of the Ordinary, as evidenced by similar decrees. Ibid. number 29. Finally, goods of a patrimony cannot be encumbered to such an extent that, if a debt were to arise, no execution could be carried out against them, except to the extent that the goods exceed the amount needed for the support of the religious order. However, it is permissible for a creditor to receive payment, or to sell the right that would pass to the heirs after death. Thus, according to the decrees of the Sacred Congregation, number 30. Finally, those who are ordained for a benefice cannot resign it, unless mention is made of the benefice that is relinquished, and it is demonstrated by conclusive proof that the one resigning has another means by which he can conveniently provide for his sustenance. Thus, according to the decrees of the Sacred Congregation, Ibid. number 30.

PATRON. The ecclesiastical patron is obligated to present to the curacy the person whom he considers most worthy among those approved by the examiners, according to the authority of the Council of Trent, session 24, chapter 48. The bishop is not to inquire about the presentation made by the patron, unless someone among those approved should object to the election made by the patron, claiming that a less worthy person was chosen. Thus, in the letter to the Archbishop of Fiorentino, "Redditæ nobis." The lay patron is obligated to present the most worthy person for the curacy, as evidenced by St. Thomas [Summa Theologica] 2-2, question 65, article 2, to 3, and by other theologians, as well as by Instit. Eccles. 7, number 5 and 8.

Translated by churchlatin.ai, a product of Boyne Archives

The patron, if he promises to confer a benefice on someone for a temporary reason, for example, because of a blood relationship, etc., is not obligated.

[*Latin ed. p. 197*]

To keep what he has promised, especially when the benefice is not yet vacant. Thus, from St. Thomas, *Institutes of the Church*, 22, number 8. If the ecclesiastical patron presents someone as more worthy, and the examiners judge him to be more suitable than others, and one of those who was judged less worthy complains to the Bishop about the erroneous judgment of the examiners, and contends that he himself is more worthy, then the Bishop, as judge, before granting the institution, must inquire into the case of the patron. *Epistle to the Archbishop of Florence*, in the Bull *PCENITENS*. *PCENITENS*, or anyone else who falsely reports to ecclesiastical judges that he has been urged by a confessor, incurs a reservation reserved to the Apostolic See. Bull *Sacramentum pcenitentiæ*. *PCENITENTLE SACRAMENTUM*. Contrition for sins is indeed sufficient, according to the opinion of Trent, to dispose the penitent to receive the grace of God in the Sacrament of Penance, but what this contrition consists of is not entirely clear, for it can be accompanied by some love of God, albeit weak, faint, and fleeting. It can also be sorrow for God, not because He is supremely good, but because He is good to us; moreover, it can be sorrow conceived solely from sins because of their ugliness, or merely from fear of punishments and hell, without any love of God. However, even this latter contrition can be aroused from the fear of hell, so that it may be joined with some initial love of God, so that sins are hated because of the punishments, and at the same time, the soul is drawn to God as a lovable object. The question is twofold among theologians: whether servile contrition, which is elicited solely from the fear of hell and punishments, without any, even initial, love of God, is sufficient; or whether at least some initial love of God is required. The Pope warns that nothing should be decided by the Bishop in his synod on this matter; however, he suggests that confessors should be instructed that it is right to urge penitents to true and perfect contrition, as is also noted in the Ritual, by order of Paul V. *De Syn. dicec.*, book 7, chapter 43. For a dying person who, before suffering a sudden and serious illness, exhibits signs of contrition, and after a confessor arrives, does not outwardly show this will, it is a much more certain and safe opinion that he can still be absolved. This does not apply to the controversy as to whether absolution should be given conditionally or absolutely; for this only applies in the case where the dying person has given completely doubtful and ambiguous signs of contrition. *De Syn. dicec.*, book 7, chapter 45, number 8.

[*Latin ed. p. 198*]

If, indeed, there is no testimony to show that he exhibited signs of repentance and requested absolution before the onset of that mortal illness,

Translated by churchlatin.ai, a product of Boyne Archives

yet it is still much more probable that those who contend for his absolution are correct, provided that he lived a Christian life; for the actions of a Christian life are all the more voices by which that poor man requested absolution for himself, and demonstrated contrition; and if those acts of penance, performed during his Christian life, are not present, it would be said that they preceded, and then would be considered as present, just as present contrition is considered before the sudden onset of death. From the Diocesan Synod, book 7, chapter 45, paragraph 40. Some even wish to deny absolution to no one, even to those who, although they have lived badly, have nevertheless retained the Catholic faith, and have acted as Catholics, although this opinion seems too lenient. Ibid., paragraph 43. The sacrament of Penance is not, by itself, required to be administered by the Bishop to those infected with the plague, since he acts through the parish priests, as a universal cause through particular means; but the parish priest is certainly obligated to do so, as reason suggests, and as the decrees of the Holy See, approved by Gregory XIII, declare; although he may administer it either directly himself, or through the ministry of some priest approved by the Ordinary; for if the parish priest were absolutely obligated to do it himself, the other parishioners not affected by the disease would not wish to receive the sacraments from the parish priest, fearing him. From the Diocesan Synod, book 43, chapter 49, paragraph 7. PENITENTIARY. Benedict XIV, in his bull *Pastor bonus*, directs and extends, and reforms, the faculties of the Penitentiary. He can absolve all those who apply to him, both from all sins, and from all censures, even those contained in the bull *Cæne*; Regulars in both forums, others in the forum of conscience. Although he can also absolve others in both forums, when it concerns censures imposed by law and reserved to the Apostolic See, or even those imposed specifically by a person, if the jurisdiction of the judge who pronounced the sentence has already expired, or when absolution has been remitted to the Holy See, or if those censures have caused impediments, preventing them from approaching those from whom they should rightfully be absolved. He also absolves heretics, provided they are hidden, even if they have incurred an external heresy, provided that those external acts have not been seen or noted by anyone. He also absolves public heretics and apostates in the forum of conscience, in cases in which it is not necessary to denounce accomplices, namely, when they have died, or live in openly infected regions, but not in those in which the office of the Holy Inquisition is active. He does not absolve Princes, and others who hold the office of vicars in the name of the empire.

[*Latin ed. p. 199*]

Concerning Bishops, and other higher prelates in public cases contained in the Bull *Cœna Domini*. It does not absolve those who, through astrology, or by themselves, or through others, inquire about the state of the

Translated by churchlatin.ai, a product of Boyne Archives

Christian republic, or about the life and death of the living Roman Pontiff. The rest is to be seen in that same Bull. When the pastor of the Church of Rome is absent, the Major Penitentiary, whose office is not then vacant, can absolve whatever pertains to the forum of conscience, even from those censures, but in the forum of conscience, from which he could not, when the Pontiff is living, provided that, unless a recourse is made to the new Pontiff within a specified time, the absolution is only valid until his return. As for the external forum, when the Apostolic See is vacant, the Holy Penitentiary can do nothing, except in order to observe the rules concerning regular canons, as mentioned above in *De Regularibus*. Finally, in the same case, it can absolve from censure public violators of ecclesiastical liberty and immunity, but with the same condition as above. All of these things are contained in the Bull *Pastor Bonus*. The Pope can also appoint confessors for nuns, but only from those approved for hearing the confessions of nuns.

CONTAGION. Concerning what is permitted, or forbidden, during a time of contagion, regarding the administration of the sacraments of Confirmation, Penance, the Eucharist, and Extreme Unction, see in the individual articles concerning each of them. The question of whether it is permissible to shorten the confession of the dying out of fear of contracting the disease is a matter on which the Doctors are divided, and in which nothing certain is decided. See *De Syn. dioc.*, book 4, chapter 49, paragraph 49. Regarding the administration of the Eucharist, Muratorius, in his treatise on contagion, teaches that it is not necessary to observe every rite of the Church that is now prescribed, but that it is to be sought from the judgment of the Bishop what could be done in each case, so that it might be administered with less danger, but decently, which was also confirmed in a response to the requests of the Apostolic Vicar of Julia Caesarea. See *De Syn. dioc.*, Ibid., paragraph 26. It is certainly permissible for the Bishop to judge, during a time of contagion, that the Eucharist should be given to the laity, to be received by their own hands, so that they themselves might bring it to their mouths. Ibid., paragraph 27. Extreme Unction can be conferred upon those infected with contagion by anointing the organ of that sense which is most exposed to the anointing, thus performing the rite in the manner in which it is usually done, when only one sense is anointed. Ibid., paragraph 29. However, it is permissible, by the judgment of the Bishop, in that case, to anoint the sick person by means of a long rod, at the end of which is cotton soaked in sacred oil. Ibid., paragraph 30.

[*Latin ed. p. 200*]

PLEDGE. Those things which cannot be sold, nor can be given in pledge. L. Pupillus. §. Concerning that thing, titles. Those things which are given as a pledge, etc. Therefore, ecclesiastical goods, and even precious movable goods, can only be sold with a legitimate reason, and with the permission of the Apostolic See, or of the Bishop, in the case of movable goods of lesser

Translated by churchlatin.ai, a product of Boyne Archives

value. Inst. Eccl. 69, n. 5.

PRIORITY. The parish priest of the place where someone has died always has priority over others, regarding the body, as long as he is within the limits of his parish. Inst. Eccl. 105, n. 54.

PUBLIC PRAYERS. Secular princes can certainly request from the Bishop that public prayers be ordered for the needs of the state, and they ought to do so. However, it would certainly be a great abuse if, even by custom, princes were able to order these prayers, neglecting the authority of the Bishop. Encyclical to all Bishops, *Quemadmodum preces*.

PROCESSIONS. Clergy holding any benefice or ecclesiastical office cannot be compelled to participate in solemn processions, nor can simple presbyters. However, those holding a benefice, even a non-residentiary one, can certainly participate. Thus, the Sacred Congregation decided, and in the occasion of whose decree this is considered, that nothing should be decided here concerning clergy who are not beneficed, but are dedicated to the service of some Church. Inst. Eccl. 31, n. 2.

Processions should be held first, and then the Mass should be solemnly sung, according to the rubric of the Roman Missal. Inst. Eccles. 68, num. 12, unless, for a grave reason, it seems better to the Bishop, or to the clergy. Ibid., from the same.

Regular clergy cannot institute processions except within or around their churches; nor can confraternities, except within their oratory: if, however, they wish to proceed through the city, they must certainly offer some service to the parish priests of the respective places. Inst. Eccl. 105, n. 54.

However, the permission of the Bishop is sufficient, even if the parish priest objects, as has been decided by the Sacred Congregation of Rites. Ibid., n. 52.

The procession on the feast of Saint Mark, if it falls on the very day of the Resurrection of the Lord, should be transferred to the third day of Easter, according to the decree of the Sacred Congregation of Rites on September 25, 1734. Inst. Eccl. 28, n. 3.

[*Latin ed. p. 201*]

PROFESSION OF RELIGIOUS ORDERS. Concerning the procedures for establishing the nullity of a profession, see V. Regulars. QUESTION. Although the Greeks may present testimonies of their adherence to the Church of Rome, nevertheless, according to the decree of Innocent XI, they are still prohibited from appealing, and they are ordered to submit any faculty granted to them in this matter by anyone, or even by the Congregation itself, to the Bishop, and to transmit it to the same Congregation for the propagation of the faith. Furthermore, Clement XII, in his Brief, ordered that money collected by the Greeks in this way, and deposited in certain places, be seized by the Bishop and transmitted to

Translated by churchlatin.ai, a product of Boyne Archives

the same Congregation. Institute of Canon Law 75, n. 4. REGULARS. In proving the nullity of a religious profession, much is stated by the new Benedict XIV in his Constitution, *Si data hominibus fides*. Therefore, the decree of Trent, session 25, on religious orders, chapter 49, must be observed, by which those who appeal against a profession are not to be heard, unless they appeal within five years from the day of the profession. He also confirms various decrees of the Congregation of the Council issued on this matter. Furthermore, he orders that proofs should not be based on extrajudicial testimonies, but that all proceedings should be conducted legally. Moreover, he commands that the defenders of the monastery in which the profession was made, as well as relatives, or others who possess the property of the professed, and even those who were the authors or accomplices of the fear (if the nullity of the profession is alleged due to fear) should be cited and heard. He orders that in each diocese, a defender of the profession should be appointed by the Ordinary, to whom a salary shall be paid, determined by the judge, or by those to whom the property of the professed has come, and, in their absence, by the monastery, and, if that is not possible, by the tribunals. An appeal from the initial judgment declaring the profession null is permitted, and it is not permissible to deprive a religious of his habit without a second judgment. After five years, it is necessary to petition the Apostolic See for restitution, for which the defender of the profession always assists, both in the proceedings instituted by virtue of commissions, and by the superiors of the religious order and the Ordinaries of the place, and also when the question of whether restitution should be granted is presented to the Holy Congregation. Nor is a single favorable judgment sufficient in that concession, but two conforming judgments are required. The Pope establishes this new law; in other respects, the usual judicial practice is to be maintained. When religious are returned from apostasy, the Major Penitentiary grants dispensation.

[*Latin ed. p. 202*]

He can, in whatever way he sees fit, alter punishments and the prescribed penances, and he can absolve from censures, provided that they return within a specified time (though the irregularity persists until their actual return). He can also grant them permission to transfer to another order. However, he must not allow any religious to live in secular garb, or as a secular cleric. *Bulla Pastor bonus*. The Major Superior can grant permission to transfer from one religious order to a less strict one; but he must restrict this power of transfer to orders in which regular observance is maintained, and in cases of doubt, the testimony of the Ordinary is required. He does not, however, grant permission to transfer to military or hospital orders, although he is more lenient with the Order of St. John of God; nor does he grant permission to transfer to the older

Translated by churchlatin.ai, a product of Boyne Archives

Order of St. Benedict, or to other similar congregations of any order. Ibid. §. 34 and 35. If a religious is detained before taking habitual vows and does not report his fault, unless after taking vows, he cannot be expelled, unless otherwise stated in the constitutions of that order, as is declared in the constitutions of the Capuchin Fathers, in which the religious order expresses that it is in no way obligated to retain such a professed individual. Whether, in such a case, a professed individual who has not been dismissed from the religious order can voluntarily leave, even against the will of the order, is a question not yet definitively decided by the Holy Congregation. *De Syn. diœces. l. 43. c. 44. n. 4*. Religious are considered to be apostates if they, while claiming to be religious, lay aside their religious habit and leave the cloister, and are never heard to defend their cause, unless after they have returned to the monastery. Thus, according to the Council of Trent, Session 25, chapter 49. *De regul. De Syn. diœc. l. 43. c. 44. n. 43*. Furthermore, it is not permitted for them, based on a falsely presumed necessity, to go outside the cloister without a written authorization from their superior; otherwise, they are punished with the penalties for apostates by the Ordinary of the place. *Ex Trid. Ib. c. 44. n. 43*. However, this must be understood when the reason for seeking permission is not true, urgent, and of greater importance. Ibid. n. 44. It is forbidden for superiors of religious orders to grant their subjects the opportunity to transfer to another religious order, unless it is clearly demonstrated to them that the other religious order is prepared to receive them; and so that this transfer is properly carried out from one religious order to another. Thus, according to the decree of the Holy Congregation, approved by Urban VIII. Ibid. n. 44. This transfer, even if it involves transferring an apostate, cannot be carried out to a religious order in which regular observance is not maintained; nor is it permitted if that religious order is military or a hospital order, except for the Order of St. John of God. Thus, Benedict XIII decreed in his constitution. *Licet Sacra. Ibid. n. 44*.

[*Latin ed. p. 203*]

A religious man not residing within a monastery, who, having been absent without the permission of his superior, wanders about, even though he wears religious garments and intends to return, must be committed to prison by the Bishop of the place where he resides, and delivered to his superiors, to be punished according to the rule, as decreed by the Holy Congregation of Councils, confirmed by Urban VIII. Ibid. However, these things are true, unless it is known that he has sought refuge from the excessive severity of his local superior, and has appealed to a higher superior. Ibid. Religious men who are incorrigible can be expelled from the order, whatever the decrees of the Holy Congregation may have previously stated to the contrary, as is affirmed by the new decrees of the same Congregation

Translated by churchlatin.ai, a product of Boyne Archives

of Councils. Ibid. n. 46. An incorrigible man is considered to be one who is marked by all the vices that, according to canon law, designate him as such. Furthermore, before expulsion, he must undergo six months of imprisonment in penance, and fasting, and then a sentence from the Provincial of the same province, after consulting with six other religious men from the same province, designated in the provincial congregation, and confirmed by the Superior General, to whom the power is reserved to review the case again, and to revoke the previous sentence. Thus, according to the most recent decrees of the Holy Congregation of Councils. Ibid. n. 49. The procedures for conducting proceedings regarding incorrigibility are valid according to those that are formed according to the norms of the rules and customs of such orders. Ibid. The sentence against those expelled must be notified to the Ordinary Bishop of the place, not so that he may be informed of it, but because he is subject to his jurisdiction, and must obey his commands. Thus, according to the decrees of the Holy Congregation. Ibid. n. 20. Therefore, those expelled cannot wear the religious habit, but must use a clerical one. Furthermore, they remain perpetually suspended from the exercise of the religious vows they had taken, and this penalty cannot be relaxed or mitigated by the Ordinaries. Thus, according to the decrees of the Holy Congregation. Ibid. If, however, from the testimonial letters of the Ordinary, it appears that there is a clear hope of amendment, then they may be received again into the order. Thus, according to the decrees. Ibid. In this way, the expelled man remains bound by the vow of chastity in every way, but with some moderation, the vow of poverty, and he is not required to show obedience to his former regular superior. The other vows that he had professed remain suspended. Thus, according to the documents. Ibid. If the expelled man wishes to appeal against the injustice of the sentence passed against him, he must present himself in the formal prisons of the religious order, as stated in the decree of the Holy Congregation of Councils, dated November 4, 4698. Ibid. n. 31. However, religious men of the Society of Jesus, after having taken three simple vows, and after a period of probation, are not included in the decrees concerning apostates and those expelled, as stated in the response of the Holy Congregation of Councils. Ibid. n. 21. The vow of chastity, which they have taken, while they remain in the order, prevents marriage. These men are forbidden only to celebrate [marriage].

[*Latin ed. p. 204*]

because they lack property, or endowment. Ibid. n. 23. However, they are capable of obtaining benefices and ecclesiastical offices. Ibid. n. 26. However, these things are valid only for those dismissed before their solemn profession. After that, they are considered laicized and are subject to expulsion from the order. Ibid. The vows of chastity, etc., made by lay religious of the Cîteaux order are solemn, not simple, as is evident from a special decree of the particular Congregation held before Benedict XIV

Translated by churchlatin.ai, a product of Boyne Archives

on March 24, 1747. Ibid. n. 28. If a religious is condemned to the galleys for some crime for a certain time, whether he can be received again into religion after serving his sentence has not yet been decided by the Holy Congregation, although it has been consulted. However, this alone, the sentence of condemnation to the galleys, even if he has not yet returned, permanently declares them infamous, and therefore irregular. Ibid. n. 30. Regular canons, even those exempt, who are working in the East Indies, exercising pastoral care, are subject to prior examination by the Ordinaries, and to their approval, as well as to their visitation, correction, and jurisdiction in matters pertaining to said pastoral care. Constitution "Quamvis ad confirmandum," etc. Those regular canons who are to receive holy orders are not required to present dismissal letters from their own Ordinary of origin, but it is sufficient if they have received them from their superior. Conversely, they cannot avail themselves of the privilege of receiving orders from anyone, unless they have obtained it after Trent, and it has been granted to them by a direct concession, and not by a sharing of privileges from one order to another. If they do not have such a privilege, they must obtain a dispensation from the Ordinary of the place where they reside, if that Ordinary is to administer the holy orders at the proper time. If, however, he is not to administer them, they can direct the dismissal letters granted to them by their superior to another, with authentic attestation from the diocesan Bishop, from which it is clear that he will administer the orders. Those who transgress this sanction, who receive ordination from another, incur the censure of suspension. Superiors of regular canons who have granted dispensations are punished with active and passive censures. Thus, the Pope in the bull "Impositi nobis." If, however, regular canons, during the time of ordination, go to another monastery, and after receiving ordination from the Bishop of that place to which they went, they return to their former monastery, it appears that they have done so fraudulently; nevertheless, nothing can be decreed against them, because the thing could have been done without fraud. Therefore, they should consult with each other. De Syn. dioc. l. 9, c. 17, n. 4. If superiors give dispensations to their subjects to receive orders from any Ordinary, except in the cases expressly mentioned above, they are deprived of the use of active and passive censures, and of the dignity they possess. From the decree of Clement VIII, dated March 15, 1596. That decree is not worded in such a way, as in many editions, that they incur penalties, but rather that they incur a penalty, which implies a broad penalty, and one that is not to be tolerated. Inst. Eccles. 23, n. 42. Whether they enjoy privileges...

[*Latin ed. p. 205*]

It appears necessary to affirm, based on the authority of the Roman Council under Benedict XIII, Title 5, Chapter 2, that Regular Canons pos-

Translated by churchlatin.ai, a product of Boyne Archives

sessing a later privilege than that of the Council of Trent, and who are exempt, ought to enjoy that privilege, and that Bishops cannot, for that reason, reject them from ordination. Thus, according to the decree of the Holy Congregation of August 24, 1686, in *De Synodis Dioecesibus*, Book 9, Chapter 16, paragraph 6. Regular Canons who are exempt are also not permitted to expose the Sacrament of the Eucharist without a veil in their churches, unless for a public reason approved by the Ordinary. However, it is permissible for them to expose the veiled Sacrament in an open tabernacle, provided that it is not taken out of it, as stated in the decree of the Holy Congregation, *De Synodis Dioecesibus*, Book 9, Chapter 15, paragraph 4. Generally, it is the right of Bishops to compel Regular Canons to obey them concerning those matters which pertain to the proper veneration of this ineffable mystery and the celebration of the Mass. This is derived from the decree of Trent, Session 22, *De Observandis et Evitandis in Celebratione Missæ*, paragraph 5. Regular Canons are bound to obey the Bishop who commands that no unusual image, or new relic not approved by him, be exposed in their churches, and those who disobey may even be compelled by censures, as stated in the decree of the Holy Congregation of June 5, 1700, *De Synodis Dioecesibus*, Book 9, Chapter 45, paragraph 5. Regular Canons may be punished by the Bishop as a delegate of the Apostolic See, if they commit any fault concerning the enclosure of nuns, even those who are exempt, and those who live within the monastery walls. Ibid., paragraph 6. Regular Canons cannot receive the confessions of secular persons without the license, grace, and approval of the Bishop, which words are found in the Extravagantes of Boniface VII, in Chapter "Super Cathedram, de sepulturis," and which was also confirmed by Trent, Session 23, Chapter 25, *De Reformatione*; but it is also permissible for Bishops to limit this faculty to a certain time, and to certain persons, and even to revoke it, contrary to the opinion of Alexander VII on January 30, 1659. *De Synodis Dioecesibus*, Book 9, Chapter 16, paragraph 7. However, Regular Canons approved by the Bishop may be admitted to the homes of sick secular persons, to hear their confessions, without the permission of the parish priest of the sick; but after hearing the confessions of those sick persons, they must leave a written note to inform the parish priest. Ibid., paragraph 9. It is not permitted for the superiors of Regular Canons to enter the monasteries of nuns subject to them, except once a year for the purpose of visitation; but if necessity requires them to enter more frequently, they may not do so except in the presence of the diocesan Bishop, or another ecclesiastic appointed by him. Thus, according to the constitution of Felix, and Alexander VII, *De Synodis Dioecesibus*, Book 9, Chapter 15, paragraph 6. It is forbidden for Regular Canons to speak to nuns, even those subject to them, without

[*Latin ed. p. 206*]

With express permission, not only from the superior of the religious

Translated by churchlatin.ai, a product of Boyne Archives

order, but also from the Bishop, they are not to converse, even for a quarter of an hour, nor even on the occasion of a gathering held for the nuns, nor finally, for any reason whatsoever, that is honest and pious. Ibid. n. 7. Religious are subject to the authority of the Bishop if they hear the confessions of laypersons without the prior approval of the Bishop, as stated in Constitution 10 of Clement X. Furthermore, they cannot, without the consent and approval of the Bishop, hear the confessions of the nuns of their own order, even if they are exempt, by virtue of the Bull 48 of Gregory XV. Religious are not permitted to erect new monasteries or houses without the authority of the Apostolic See and the Bishop, although the Council of Trent, Session 25, Chapter 3, concerning religious, explicitly mentions the authority of the Bishop alone. Concerning Diocesan Synods, Book 1, Chapter 9, paragraph 4, number 9. However, for the nuns who are under the jurisdiction of the King of Spain, there is a suspension of this regulation by a Bull of Urban VIII, but it is not valid outside of Spain. Concerning Diocesan Synods, Book 1, Chapter 9, paragraph 45, number 9. Priests of the Church or of a diocese who are dedicated to service may, even without the invitation of their own Bishop, transition to the regular life; however, they are, unless something prevents it, obligated to consult with him. Thus, in the Letter to Cardinal Quirin, "From which you are chosen." Religious living outside of the monastery, and regular clergy, exempt in any way, in civil causes concerning wages and the poor, are decreed by the Pope in the Bull "Ad Militantis" to be brought before the local Ordinary in the first instance, unless they have a certain judge appointed by the Holy See.

RESERVED CASES. The reservation of cases pertains solely to the Roman Pontiff, Bishops, and lower prelates who have jurisdiction, as if they were bishops, with a separate territory, according to the teaching of the Council of Trent and the decisions of the Holy Congregation for Diocesan Synods. Concerning Diocesan Synods, Book 5, Chapter 4, number 2. Although a reservation can be made outside of the Synod, many things suggest that it should rather be done within the Synod; therefore, especially because it is not uncommon for theologians, holding the opinion of Roncaglia, to assert that laws promulgated by the Bishop outside of the Synod cease to be valid, when the Synod is not in session, since only those things that are done in the Synod obtain the full authority of law from the Bishop. Ibid. n. 3. Internal acts have never been considered by the Supreme Pontiff or by Bishops to be reserved for themselves. Ibid. Chapter 5, number 5. Religious are not only prohibited from reserving other crimes than those defined in the decree of Clement VIII, but they are also not permitted to subject other crimes different from these to the censure of reservation, as affirmed by the Pope from a certain decree of the Sacred Congregation of

Translated by churchlatin.ai, a product of Boyne Archives

Bishops and Regular Canons. Ibid. Chapter 5, number 6.

[*Latin ed. p. 207*]

RESIDENCE. Bishops and pastors are bound to reside, as is evident from the Council of Trent, Session 6, Chapter 1, concerning reforms, and Session 23, Chapter 1, concerning reforms, so that if they do not reside at the appropriate time, they do not collect their revenues, as is stated in Constitution 94 of Pope Pius IV. From this same constitution, it is also clear that if they do not reside at the appropriate time and they die, they cannot dispose of ecclesiastical revenues, even if they had obtained the power of testation. *Institutes Ecclesiastical*, 17, paragraphs 4 and 5. Bishops may be permitted to be absent from their diocese for one, two, or three months each year, provided there is a just and reasonable cause; pastors, however, may be absent for two months, but only with the permission of the Bishop, and with a suitable vicar left behind, approved by the Ordinary, as is stated in the Council of Trent, Session 23, Chapter 1, concerning reforms. *Ibid.*, paragraph 7. They cannot be absent without the permission of the Bishop, even for a week; nor is tacit permission sufficient. Finally, it is not sufficient to avoid penalties if the cause is obvious, and the Bishop is not consulted, or if he is consulted and refuses; although in such a case, an appeal may be made to the proper tribunals. However, if it is necessary to leave unexpectedly, then after leaving, a written notification must be sent to the Ordinary. This is stated in the decrees of the Sacred Congregation, *Ibid.*, paragraph 44. For rural pastors, however, the permission of the vicarius foraneus is sufficient for a short period of absence. This is stated in the decrees of the Sacred Congregation, paragraph 42. If it is necessary to be absent for two or three days that are not holidays, the customs of the particular diocese must be followed. This is stated in the writings of the Canonists, *Ibid.* Regarding the excuse for non-residence, inclement weather is not sufficient. However, if a pastor is ill and cannot be treated there due to a lack of doctors, he may obtain permission from the Ordinary to leave for nearby places for up to four months, with a suitable vicar serving as a temporary replacement, as stated in the decrees of the Sacred Congregation, *Ibid.*, paragraph 25. They are not excused from residence simply because the parish is only three or four miles from the city. Nor are they excused if they reside there at night, and after celebrating Mass early in the morning, they spend the rest of the time in the city, provided that a suitable substitute is left behind, and this is the case for the greater part of the year. This is stated in the decrees of the Sacred Congregation, *Ibid.*, paragraph 48. RESTITUTION. Real property unjustly seized by enemies in war, such as by pirates, infidels, heretics, etc., if purchased by Catholics, must be restored to the rightful owner, without any price being demanded from him; this decree was originally issued by the Congregation for the Propagation of the Faith in the year 1630, whose opinion is affirmed by Benedict XIV in

Translated by churchlatin.ai, a product of Boyne Archives

his letter to Father Nicholas Lercari, secretary of the same Congregation. However, with regard to movable property, the same Congregation...

[*Latin ed. p. 208*]

It is judged that what has been purchased should be restored to the rightful owner by the buyer, but at the price at which it was purchased; however, Pope Benedict XIV does not express his judgment on this matter. Ibid. ACCUSED. The accused, when legally questioned in a criminal trial, is obligated to reveal the truth, as indicated by the Pope in his Bull *Paterna Charitas*. SACRAMENT. The opinion asserting that, in administering the sacraments, no intention is required in the minister to do whatever the Church does, but only to perform the external rite, is not to be condemned by bishops. *De Syn. dicæ*, book 7, chapter 4, paragraph 9. The opposite opinion is safer and should be followed in practice. Therefore, if such a thing happens, and necessity arises, the sacrament of baptism administered in this way should be perfected again, under the condition. If the matter is such that it allows for delay, the Apostolic See should be consulted. Ibid. SEMINARY. The Bishop is obligated to consult with two members of the chapter, one chosen by the Bishop and the other by the chapter, as well as two members of the clergy of the diocese, one of whose election pertains to the clergy, all of which are stipulated in chapter 18 of session 23 of the Council of Trent. He must use all these appointed individuals in the administration of the affairs of the seminary; and they should also be consulted regarding the establishment and discipline of the same seminary; although the Bishop must listen to their counsel in all these matters, he is not obligated to follow it. *De Synod. dicæ*, book 5, chapter 44, paragraph 4. From several decrees of the Sacred Congregation. TOMB. Tombs can be kept in churches of confraternities, but with the permission of the Bishop, as has often been decided by the Sacred Congregation *Inst. Eccles.*, 105, paragraph 124. If a confrater dies without having chosen a burial place, it cannot be mandated that he be buried in the church of the same confraternity, as decided by the Sacred Congregation. Ibid., paragraph 124. SIMONY. In the case of simony contracted for the acquisition of a benefice, the major penitentiary is warned, even in hidden cases, and in the forum of conscience, not to validate the title of the same benefice, unless it is clearly proven that simony has occurred, through ignorance.

[*Latin ed. p. 209*]

Acts, or matters pertaining to the law, are committed, and the accuser, as soon as he learns of this, must request dispensation; this applies also to pensions, in which real simony has been knowingly contracted. See the Bull *Pastor bonus*. He must also abstain from condoning the price of simony, when it is to be paid to the Church or to the poor, unless poverty compels those who are delinquent. Ibid., § 23. He who intercedes for another in

Translated by churchlatin.ai, a product of Boyne Archives

order to obtain a benefice is bound to restore to the Church, or to the poor, the fruits unjustly received by the beneficiary, before any judgment. *Inst. Eccles.* 12, n. 44. If anyone requests absolution from the Holy Congregation for simony committed in obtaining a benefice, he usually obtains a rescript, in which he is dismissed, admonished, and ordered to restore; that is, he is to relinquish the benefice, is admonished to make restitution of the price received, and restores the fruits received to the Church or to the poor. Ibid., n. 42. If, however, the simony was committed by a third party, unknown to the beneficiary, then a rescript is issued for the validation of the title, provided that this was done before possession; this is valid as if it were said, unless he knew of it before accepting possession of the benefice. Ibid., n. 42. Since the parishioners have the right to nominate the parish priest by reason of the foundation, then each individual, whether men, women, or minors, has the right to nominate, as is affirmed by Piton in *De controvers. patron.*, all, 400, n. 364. Ibid., n. 43. Canonists consider commendations, priories, and preceptories of the Order of Jerusalem to be benefices; if prayers, agreements, and gifts are involved in these, simony is committed. However, this is denied by the common consensus of theologians, noting that these are not attached to the exercise of spiritual ministry, nor are they necessarily conferred upon clerics, which are the two requirements for benefices; although it cannot be denied that a grave abuse exists in this matter, which Pope Clement XI sought to remedy in his Brief to the Grand Master of the same Order, in which he declares these collations to be null and void. *De Syn.*, saying 1, 42, c. 5, n. 45.

SOLICITATION IN CONFESSIONS. A solicitor is not prohibited by any law from secretly warning the person he is soliciting, before the solicitation is made, so that he may provide for himself by spontaneously offering himself to the tribunal. However, he is bound to denounce him, even if he has been warned and has been reformed through correction, as is deduced from propositions condemned by Alexander VII. *De Syn.*, saying 1, 6, c. 44, n. 9, and 40. The precept of denouncing confessors who solicit for immoral purposes, and the penalties.

[*Latin ed. p. 210*]

Other solicitations of this kind do not extend to other crimes distinct from those pertaining to venereal matters. Ibid., n. 44. All priests, even those who are regular, who solicit others for immoral acts pertaining to venereal matters, either during or in connection with or under the pretext of confession, incur, in addition to the other penalties prescribed by the Constitutions of Sixtus V and Gregory XV, also perpetual incapacity to celebrate Mass. The same applies to those priests who abuse the sacrifice of the Mass for the purpose of divination. Thus, according to a decree of the Holy Congregation of the Inquisition, by order of Benedict XIV. This decree must be publicly announced by superiors of any order, once a year,

Translated by churchlatin.ai, a product of Boyne Archives

on the sixth day after the octave of the Assumption of the Blessed Virgin Mary, and in any general or provincial chapter. Ibid., Appendix to the Bull of Benedict XIV. SPECTACLES. Unchaste spectacles, such as the naked races and wrestling matches of boys and adolescents, even if introduced by long custom, are not to be permitted by bishops, and must be prohibited by laws. This is mandated in the Encyclical addressed to the bishops of Chalastra. MARRIAGES. If one of the betrothed parties moves to another place without the knowledge of the other, the ecclesiastical superior must be notified, who will assign a suitable time for the absent party to return; if, after this time has elapsed, the party does not comply, the bond is dissolved. Inst. Eccl. 46, n. 5. The Holy Congregation has always declared that betrothals entered into for the future, without the presence of a priest, or without a written agreement, are always valid, although the Council of Trent only abolished clandestine marriages. However, prior betrothals, even if not sworn, even without consummation, are valid against subsequent betrothals, even if sworn, and even with consummation, as is stated in the common Doctors, Inst. Eccles. 46, n. 8. Betrothals entered into against the will of the parents, although they may be judged valid, are nevertheless illicit, and can be dissolved upon the discovery of the parents' dissent, even if they have been sworn, which is vigorously demonstrated by the Archbishop of Rossano, D. Muscettola, in a dissertation to be found in Volume I of the works of Zauli, concerning the statutes of Faenza. Ibid., n. 8. It is doubtful whether betrothals entered into without the internal will to fulfill the promises are binding; however, it is a grave sin to make such promises. Ibid., n. 46. Kisses, given for carnal and sensual pleasure, according to the terms of proposition 40 among the condemned propositions by Alexander VII, are not permitted between betrothed parties. Ibid., n. 48.

[*Latin ed. p. 211*]

The spouse who has seduced the bride to the act of copulation cannot be punished with the penalty for rape, owing to some right he has over her body, as stated in the decree of the Holy Congregation, cited by Fagius, ibid., no. 19. A promise made in the present tense, without the presence of a priest and witnesses, is neither valid in matters of marriage nor of betrothal, as evidenced by numerous decrees of the Holy Congregation, ibid., no. 22. SYNOD. A diocesan synod is not necessarily transmitted to the Sacred Congregation of the Council, so that it may be examined, amended, and approved by it. Concerning diocesan synods, book 43, chapter 3, no. 6. For the Sixtine Constitution, which might seem applicable to this matter, does not state anything about it, except with regard to provincial councils. Diocesan constitutions begin to bind the subjects as soon as they are promulgated, and the customary two months need not be awaited, as is stated in the imperial laws. Book of the most holy laws, chapter 66, concerning new laws and regulations. Some doctors assert that regular canons are also subject to

Translated by churchlatin.ai, a product of Boyne Archives

diocesan laws, while others more commonly deny this; for nothing is stated about this concerning laws issued by inferior authorities, as several Doctors point out. Concerning diocesan synods, book 43, chapter 4, no. 2. Regular canons are also subject to diocesan laws in matters concerning the care of souls and the administration of the sacraments, according to the Council of Trent, session 25, chapter 41, concerning regular canons, although this is not the case in other matters; nevertheless, they ought to conform to these laws in order to avoid any irregularity, although they should not neglect them under penalty, as noted by Suaro. However, the Pope holds that, contrary to some regular canons, although they are bound by diocesan feasts according to the Council of Trent, session 25, chapter 42, concerning regular canons, they are not bound by fasts instituted by the Bishop, unless some other custom has prevailed in certain monasteries. Concerning diocesan synods, book 43, chapter 4, nos. 5 and 6. TOBACCO. The Pope does not consider it necessary to forbid, nor does he judge it right to prohibit, the use of tobacco by inhaling it through the nose, or by drawing the smoke into the mouth, before the celebration of Mass, or before receiving Holy Communion, since, owing to the accepted and widespread custom, there is nothing dishonest or indecent in this practice. Concerning diocesan synods, book 44, chapter 43, no. 3. TERT IARY WOMEN. Tertiary women who do not live in community cannot receive the habit of their order from the regular canons without the permission of the diocesan Bishop, to whom they must duly prove that they possess this privilege from the Apostolic See, and that these women are of good morals, and are over the age of ten years.

[*Latin ed. p. 212*]

Then, they ought to possess only such revenues as are sufficient for their sustenance, and furthermore, they should not live together with others, but only with those who are related to them by the bonds of consanguinity or affinity in the first degree, as decreed by the Holy Congregation in the case of Nazariensis, on May 4th, 1727. Concerning the Synods, see *De Syn.*, book 9, chapter 45, paragraph 44. Those Tertiary members who live collegially, but are not bound by solemn vows or enclosure, are tolerated rather than approved by the Holy Congregation, contrary to the bull of Pope Pius V; however, they are in all respects subject to the jurisdiction of the Bishop, as evidenced by numerous decrees of the Holy Congregation. *Instit. Eccl.*, 29, paragraph 43. Tertiary members who do not live collegially cannot have any confessor of their own order, unless he is approved by the Bishop for the confessions of secular individuals. Furthermore, regular priests cannot administer the Sacrament of the Eucharist to them on Easter Day. The bodies of the deceased must be buried in the parish church, unless a burial place in the church of the regular order to which they belonged has been designated for them. *Instit. Eccl.*, 49, page 44. Benedict

Translated by churchlatin.ai, a product of Boyne Archives

XIII granted many things to the Tertiary members, whether they live in a communal monastery or lead a private life at home; these concessions, however, appeared to grant something new. But when Clement XII, in his Constitution *Romanus* of the year 1732, revoked the rights of the Tertiary members to the limits of the Council of Trent and the apostolic decrees, therefore, nothing new should be established concerning them. *Ib.*, paragraph 46. Tertiary members who live collegially, according to the received opinion of the Holy Congregation, enjoy the benefit of the forum. Conversely, Tertiary members who live in private homes do not enjoy the same privilege, as defined by the doctors. *Instit. Eccl.*, section 405, paragraph 68.

TESTAMENTS. A will made before a parish priest and at least two suitable witnesses is valid for all ecclesiastical purposes, unless some municipal statute prevents it, according to the disposition of chapter *Cum esses* 10, concerning wills. Wills are valid for pious causes throughout the Catholic world if they are made before two witnesses, according to chapter *Relatum* 44, concerning wills. *Instit. Eccl.*, 405. It is not sufficient if there are two or three witnesses, and the parish priest is absent, since the canon requires the presence of a presbyter. Nor is it sufficient if the absence of the parish priest is supplied by a chaplain; nor if the presence of the ordinary confessor is given. Finally, male witnesses are required, and female witnesses are not valid. Finally, a will is valid even if the testator is not in extreme danger of death. *Ib.*, paragraphs 8, 9, and 40.

[*Latin ed. p. 213*]

Testaments must be written by the parish priest in the presence of witnesses, and signed by the testator, as well as by the priest and the witnesses. However, if they are unable to write, the priest's writing is sufficient, along with the sign of the cross imprinted on the paper by the witnesses. Ibid. n. 14. Thus, the priest, along with the witnesses, must present the written testament to the notary within eight days; and if the signature of the testator and the witnesses is present, it is not necessary to refer all the contents of the testament to the notary. However, if there is no signature of the testator, then the priest or the clergyman must express aloud everything that is contained in the testament; and this must be done separately by each witness. Finally, each of them must acknowledge their own signature. Ibid. n. 46. The notary must write down all these depositions and attach them to the testament. In order to ensure that what is mandated in the testament is observed, a discussion of the priest and the witnesses must be held by the competent judge, with the parties concerned present, except for the custom that testaments are valid without any publication, if they are deposited in the Archive. Ibid. n. 16. SACRED VESSELS. Sacred vessels, while actually containing the Body and Blood of Christ, may only be touched by the priest and the deacon. Subdeacons are permitted to touch the chalice and paten

Translated by churchlatin.ai, a product of Boyne Archives

while the Body and Blood of Christ are not contained therein. Acolytes are permitted to touch these vessels, but only outside of the altar service, which also extends to all those who have been initiated with the first tonsure. All of this is from the theologians. Instit. Eccles. 34. n. 48. SALE. Clergy who hold benefices are prohibited from, in a single act, selling the right to receive the fruits of the benefice for as long as they live, or for a long period of time, receiving money in that amount, as agreed upon between the parties, or whether that money is paid in full at once, or in several installments. This is prohibited under excommunication and other penalties imposed on those who alienate ecclesiastical property, and all such contracts will be declared invalid by the Pope in the future. Constit. Universalis Ecclesiæ. In a contract of sale and purchase, if a pact is made whereby the seller is obligated, whenever he wishes, to redeem the sold item, and is obligated by virtue of that same pact to give more than he received in the sale, the contract is unjust. De Syn. diœc. lib. 40. c. 8. n. 4. If a sale is made with a pact of redemption within a certain time, after which there is no longer any possibility of redemption; this contract is usurious, because it seems to take on the nature of a pledge. Ibid.

[*Latin ed. p. 214*]

VIATICUM. Ad aegrotum impotentem, qui non potest accipere Viaticum, non licet deferre particulam sacra ad locum venerandum et osculandum, quod factum est interdictum a Pio V. et a Sacra Congregatione Concilii de Sacrificio Missae, *Liber 3, cap. 49, n. 4*. Morituro impotenti, Eucharistiam sub specie panis deglutiri non potest, non potest sacramentum administrari sub specie vini, neque sub specie panis in vino consecrato immersus, sed omnino debet relinquere sine sacra communione, cum praeceptum Viatici non obliget, nisi cum ministrari potest ritu ab Ecclesia non prohibito; hic autem ritus ab Ecclesia Latina omnino prohibetur. *Ibid., n. 6*. Contra, licet administrari sub specie panis, immersus in vino vel aqua non consecrata, ut facilius deglutiatur. *Ibid.*

VICARIUS CAPITULARIS. Cum Ecclesia vacat, omnis jurisdictio Episcopi devolvitur ad capitulum cathedralis Ecclesiae, per textum in capitulis *His* et *Cum Olim*, de maioritate et obedientia, et quidem eam per se exercere posse, nisi obstaret jus novum Tridentini Concilii, sessio 24, cap. 46, de Reformatione, quod mandat ut intra octo dies post inductam, seu, ut decernit Sacra Congregatio, post habitam notitiam vacationis, Vicarium constituere teneatur, per quem illam exerceat. Si vero negligat, vel Ecclesia vacans careat capitulo, tunc ad Metropolitanum spectat; vel si nulli subjecta fuerit, ad viciniorem Episcopum. Si vero tunc Metropolitanus vacaverit, jus istud transit ad capitulum Metropolitane. Haec omnia ex Decisionibus Sacrae Congregationis sunt deducta in *Liber 2, cap. 9, n. 2, De Synodis Dioecesibus*.

Verumtamen, antiqua consuetudo quarumdam Ecclesiarum, ut admin-

Translated by churchlatin.ai, a product of Boyne Archives

istratio vacantis Ecclesiae transiatur ad aliquem in ecclesiastica dignitate constitutum, retinenda est, ut ex *Rotulis* patet. *Ibid.*

Dispensationes ab Apostolica Sede ad Episcopum, seu ejus Vicarium generalem delegatae, et ante Episcopi obitum nondum executioni mandatae, Vicario capitulari exequi non licet, quia nec est Episcopus, nec Vicarius Episcopi. *Ibid., n. 3*. Semel vero electus a capitulo, Vicarius removere non potest, nisi causa agnita a Sacra Congregatione, ut refertur. *Ibid., n. 4*.

Utrum Vicarius capitularis ea possit, quae non nisi speciali mandato Vicarius Episcopi prestare potest, Doctores disputant in utramque partem. *Ibid.*

Cum Vicarius apostolicus datur Ecclesiæ vacanti, nullam habet aliam auctoritatem praeter eam, quam Vicarii capitulares eâ occasione obtinent. *De Synodis Dioecesibus, 1, 2, cap. 40*.

[*Latin ed. p. 215*]

VISITATIONS OF DIOCESES, AND ECCLESIASTICAL LIMITS REGARDING BISHOPS. The Bishop is not prohibited from visiting his diocese twice each year, but he can only demand a single collection within each year, as determined by numerous decrees of the Holy Congregation. Concerning Synods of Dioceses, book 40, chapter 40, paragraph 6. The capitular vicar can visit the diocese after the year has passed since the visitation made by the Bishop, as has been decided by numerous decrees of the Holy Congregation. Ibid., book 2, chapter 9, paragraph 5. However, he is only entitled to receive half of the collection that is paid to the Bishop, and he must travel with a smaller retinue, as is evident from the resolution of the Holy Congregation in the diocese of Ostuni on July 28, 1708. Ibid., book 40, chapter 40, paragraph 6. All Bishops, by virtue of the constitution issued by Pope Sixtus V, before they are consecrated, if they are in Rome, are in the hands of the first Cardinal Deacon of the Holy Roman Church; and outside of Rome, they are in the hands of the Antistite delegated for this purpose, according to the prescribed formula, and they swear that at fixed times they will visit the tombs of the Holy Apostles, either in person, or, if legitimately hindered, through someone from their chapter, or another person established in an ecclesiastical dignity, or endowed with a benefice; and if these are lacking, through some diocesan priest, secular or regular. Then they are obliged to render an account to the Roman Pontiff of the pastoral office fulfilled, and of all matters pertaining to their diocese. The Sacred Congregation of Councils has been instructed to examine the requests of these Bishops, and to give them answers, as well as to determine whether they are legitimately hindered. Concerning Synods of Dioceses, book 43, chapter 6, paragraph 44. The time within which this visitation must be carried out is more strictly defined for some, and less strictly for others, but not less than three years, nor more than four years.

Translated by churchlatin.ai, a product of Boyne Archives

Ibid., paragraph 3. Furthermore, if the Bishop has a coadjutor appointed by the Apostolic See, it is sufficient if the coadjutor visits in the name of the Bishop; and it is also sufficient if an administrator of the diocese is sent, who must visit the tombs in his own name and in the name of the principal. This is evident from the decisions of the Holy Congregation. Ibid., paragraph 5. This same thing must also be done by the titular Bishop, as is proven by Fagnano and others. Ibid., paragraph 5. Finally, Bishops of the suburbicarian churches are not exempt, although they are exempt from residence. This is evident from the decree of Pope Alexander VII. Ibid., paragraph 6. Finally, lesser prelates who properly have a territory truly separate, in which they exercise spiritual jurisdiction independently of any Bishop, are also subject to this same visitation, as is evident from the response.

[*Latin ed. p. 216*]

The Holy Congregation, and it is established by the Bull which was issued on the 23rd of November in the year 1760 by Benedict XIV, that the lower prelates are not bound by this, provided they do not possess a separate territory, as is sufficiently clear. Ibid., n. 9. VOWS. The Major Penitentiary of Rome can dispense with simple vows of chastity and religion, and also with sacred pilgrimages. Bulla *Pastor bonus*. USURY. Usury is that sin when something beyond the principal is demanded as profit by reason of the loan. Nor is this free from fault, even if the profit demanded is moderate. However, by reason of certain titles, which we call external, which are included in the loan contract, an annual return can be demanded, but care must be taken that nothing excessive is taken. As also, these same titles are not always present in the celebration of the loan contract. Indeed, it sometimes happens, in certain circumstances, that no other just contract can take place, and there is an obligation to help another with a simple loan. The Pope commands that this doctrine be openly taught by all, and furthermore, he warns that if, when providing a loan, other legitimate titles for demanding an annual profit are present, they must be explained in the celebration of the loan contract. All of these things are explained more fully in the Encyclical addressed to the Bishops of *Italiæ*, *Viæ pervenit*, etc.

[*Latin ed. p. 217*]

ON THE DECREES OF THE ROMAN PONTIFFS AND THEIR APPLICATION IN MORAL THEOLOGY. PART FIRST. § I. Canons for Observing the Decrees of the Pontiffs. Those who teach Moral Theology must above all be careful not to teach anything that contradicts the decrees of the Roman Pontiffs; and those who devote themselves to the same faculty must diligently examine those decrees, lest theologians, who published their writings before those sections appeared, be led into error by their authority. Indeed, there are many such decrees, and I consider that he

Translated by churchlatin.ai, a product of Boyne Archives

deserves the highest merit in Moral Theology who would reduce them to several classes, corresponding to the broadest treatises of this science, according to the norm of canonical law. However, the most important ones are found in the latest editions of the Casuists, such as those of La Croix, Tamburini, Bonacina, and Viva, which were published by the Remondini printing house. But what laws must be observed in the use of these decrees? Many of them can be found, which we will present below. In the meantime, consider these: Canon I. It must be ascertained whether the decrees cited are genuine. Otherwise, you will achieve nothing with false papal decrees, even up to Siricius, which all critics reject. Canon II. Be careful not to apply what was merely a precept of discipline to resolving moral questions. For what was once prohibited by discipline, and now under a severe penalty, can easily be reduced to a mere law of counsel. Thus, Nicholas I, in his response to the Bulgarians, chapter 9, stated that during Lent, spouses should renounce all pleasures, and that...

[*Latin ed. p. 218*]

Let one devote oneself to prayer, and let chastity be observed in mind and body; but who would now assert that it is not permissible during the season of Lent to engage in the work of marriage? See Benedict XIV, *De Synodo Diocesana*, book 5, chapter 4, paragraph 8, Canon III. In those questions in which the value of something is discussed, such as marriage, the decrees of the Popes are uselessly cited, which merely establish something as illicit. Thus, if the value of a clandestine marriage is questioned, it would be erroneous to cite the decree of Siricius in the letter to Himerius, chapter 4, which speaks of a marriage intended to be blessed by a priest in the future; for, lest we say that even the promise of marriage was void without the priest's blessing, it must be said that the Pope merely imposed a precept that rendered invalid not marriages that lacked the priest's blessing. Compare Benedict XIV, *De Synodo Diocesana*, book 8, chapter 42, paragraph 5, Canon IV. A subsequent decree that limits something permitted by a Pope in certain specific cases does not invalidate the Pope's decree that permits it universally. Innocent III, for example, in chapter 9 of *A Nobis* concerning the cohabitation of clerics and women, says: "Since you do not allow clerics to keep women with them, except perhaps in the case of those women in whom natural affection does not permit the suspicion of a grave crime." Against this, the decree of Nannetus, from the time of Gonellius, which was included in the collection of Decretals of Gregory IX, excludes even mothers, aunts, and sisters from the homes of clerics, namely, when it is a matter of one or the other of whom the morals are corrupt, and when it is a matter of any woman with whom familiarity is suspect. Therefore, as Benedict XIV rightly points out in *De Synodo Diocesana*, book 44, chapter 4, paragraph 7, the decree of Innocent III establishes a general rule to be commonly observed; whereas the decree

Translated by churchlatin.ai, a product of Boyne Archives

of Nannetus, approved by Gregory IX, establishes a limitation of that rule, to be applied only in certain specific circumstances. Canon V. The words of a Pope permitting something may not be interpreted in a sense contrary to Catholic dogma, or in a sense alien from the obvious meaning of the words in which that decree was issued. Those who sin against this canon are those who interpret the words of Innocent I in the letter to Decentius: "That (sacred oil) which is prepared by the Bishop may be used not only by priests, but also by all Christians, in their own need or in the need of others, for anointing," in such a way that Innocent indicated that all Christians are ministers of the Sacrament of Extreme Unction. Furthermore, as Maldonato and others cited by Benedict XIV in *De Synodo Diocesana*, book 8, chapter 4, paragraph 3, have said, it is likely that Innocent spoke of anointing in a passive sense, that is, of receiving the sacrament, when there were those who believed that only priests could be anointed with the sacred oil by those who prepared it. Certainly, the very word "uti" indicates this. Canon VI. If a Pope grants something that he had previously denied, the meaning of what is granted is best understood in light of the previous denial.

[*Latin ed. p. 219*]

Hence, when St. Gregory the Great, in book 4, letter 26, grants to the presbyters of Calaritanus the faculty of anointing baptized infants on the forehead, which he had denied them in letter 9, it is evident from letter 26 that he is speaking of the sacrament of Confirmation, since that sacrament had previously been denied to them by the Pontiff in letter 9. See Benedict XIV, *De Synodis Dioecesanimis*, book 7, chapter 7, number 5, Canon VII. The universal abrogation of privileges by the Pope does not prevent those privileges from being granted again by another Pope, or even by the same Pope. Hence, although, according to the common testimony of the writers, after the Constitution of St. Pius V, it is not permitted anywhere to celebrate Mass on the eve of the Nativity before midnight, even if, by virtue of previous privileges, this had previously been allowed in some churches, nevertheless, this custom still lawfully persists in some churches of Venice, either because of other privileges granted at a later date, or because of the confirmation of ancient privileges. Compare Benedict XIV, *De Synodis Dioecesanimis*, book 6, chapter 8, number 9, Canon VIII. In papal constitutions that prescribe something to be done, it must be noted first who they affect, and then what reasons led the Pope to prescribe that. Consequence I. From the decree of Innocent III, in which it is strictly forbidden to the presbyters established in Constantinople to confer Confirmation, it is wrongly inferred that Confirmation conferred by Greek priests is invalid and illicit. For Innocent speaks expressly of Latin priests. See Benedict XIV, *De Synodis Dioecesanimis*, book 7, chapter 9, number 3. Consequence II. It is also wrongly inferred from the constitution of Nicholas I, which orders the Bulgarians who had been received into the priesthood to be confirmed

Translated by churchlatin.ai, a product of Boyne Archives

again, that it is not permitted for Greek priests to confer the sacrament of Confirmation. For Nicholas was led to this by entirely different reasons than those that would prohibit all Greek priests from doing so. For, as stated in the cited passage by Benedict XIV, the Bulgarians had received Confirmation from priests who, influenced by the error of Photius, had conferred it lawfully, believing that the power to confer it belonged equally to bishops and priests; moreover, these priests had been delegated by Photius, as they themselves said, as apostolic legates, that is, as a pseudo-patriarch, to whom, therefore, the legitimate rights of the Patriarch did not belong; finally, Bulgaria belonged to the Western Patriarchate, and therefore the delegation, of which we are speaking, made by the Roman Pontiff to Greek presbyters, did not permit those same presbyters to perform the same act in Bulgaria. Canon IX. When Popes condemn a proposition, they are to be understood as condemning it in the very sense in which it was published by the authors.

[*Latin ed. p. 220*]

Section III. What Alexander VIII condemned when he affixed the proposition, namely that it is not permissible to follow the opinion, even if it is the most probable among probable opinions, is to be taken primarily from Sinnichio, from whose book the excerpts were taken. Canon X. It is not permissible to infer the condemnation of one proposition from the pontifical condemnation of another, which is entirely related to the former. For example, Clement VIII condemned those who asserted that it is permissible, by letters or by messengers, for a penitent who is absent to confess his sacramental sins, and to receive absolution from the same absent priest. However, Urban VIII, in the year 4632, not only declared the absolution valid when the sick person, in the presence of one or two witnesses, exhibits signs of contrition, and then, although a confessor is not present, shows a desire to confess, but also declared that this does not contradict the decree of Clement VIII, since it contains a different reason. See Benedict XIV, book 7, on diocesan synods, chapter 45, paragraph 8. Canon XI. From the fact that the Popes prohibit something under the penalty of an anathema, it does not follow that that thing is always a grave sin. Thus, Gregory II, in the Roman Council in the year 724, excommunicated clerics who wore long hair; which, according to him, is a serious crime. Compare Benedict XIV, on diocesan synods, book 10, chapter 3, paragraph 1, and following. Canon XII. When the Popes prohibit something, it is necessary to consider the circumstances of the prohibition. This refers to the words of canon VIII. Canon XIII. If the Popes have prohibited something, it must be considered whether they have explained their mind so clearly in the words of the decree that there is no room for argument in a completely different case. Thus, many theologians maintain that even after the constitution *Detestabilis* of Sixtus V, the *Trinum* contract is permissible; for

Translated by churchlatin.ai, a product of Boyne Archives

Cardinal Toledo and Cardinal S. Severina, to whom Sixtus V entrusted the task of composing the law, or the bull, *Detestabilis*, affirmed to Father Stephen Tuccio, a theologian of the Society of Jesus, that Sixtus did not want this law to prohibit, except those who were unjust; therefore, those who were just before the law was enacted (and many confirm that the *Trinum* contract was of this kind) are also permitted to do so after the law is enacted, as the learned Comitolus writes in *Responsiones Morales*, book 3, question 42, paragraph 3. Canon XIV. It must also be considered whether subsequent Popes have restricted a prohibition enacted by their predecessors. Thus, when Sixtus V included abortion, even of an inanimate fetus, procured by oneself or by others, among the more serious crimes punishable by degradation, Gregory XIV restricted the Sixtine prohibition to abortion of only a living fetus. Canon XV. And it must be noted whether the pontifical constitution prohibiting something is accepted anywhere, as is the case with the constitution of St. Pius V, *Cum onus*, which is considered very important by the most learned doctors, as found in Benedict XIV, on diocesan synods, book 40.

[*Latin ed. p. 221*]

c. 5. n. 5. They relate that in Gallia, Belgio, and Germania, it is not received. §. II. Pontifical decrees are to be considered, in moral theology, above all others. PROPOSITIONS CONDEMNED BY POPE ALEXANDER VII. On the fifth day of the week, September 26, 1665, in the general congregation of the Holy Roman and universal Inquisition, before the Most Holy Lord Alexander, Pope VII, after mature discussion of the following propositions: 4. A man is never bound at any time in his life to perform an act of faith, hope, and charity by virtue of the divine precepts pertaining to those virtues. 2. A soldier challenged to a duel can accept it, lest he incur the mark of cowardice among others. 3. The opinion asserting that the bull of the Cenacle only prohibits absolution from heresy, and from other crimes, when they are public, and that it does not derogate from the faculty of Tridentini, in which the matter of hidden crimes is discussed, was seen and tolerated on July 48, 1629, in the sacred consistory of the Most Eminent Cardinals. 4. Regular prelates can absolve any secular persons in the forum of conscience from hidden heresy, and from excommunication incurred for it. 5. Although it is clearly known to you that Peter is a heretic, you are not bound to denounce him, if you cannot prove it. 6. A confessor, who in the sacrament of confession gives to the penitent a paper to be read later, in which he incites to lust, is not considered to have solicited in confession; and therefore, he is not to be denounced. 7. The way to evade the obligation to denounce solicitation is, if the one solicited confesses with the solicitor, the latter can absolve him without the burden of denouncing. 8. A priest can lawfully receive a double stipend for the same Mass, applying to the petitioner a part that is also particularly suitable to the fruits corresponding

Translated by churchlatin.ai, a product of Boyne Archives

to the celebrant himself, and this after the decree of Urban VIII. 9. After the decree of Urban, the priest to whom Masses are assigned can fulfill the obligation through another, having given him a smaller stipend, retaining the other part of the stipend for himself.

[*Latin ed. p. 222*]

10. It is not contrary to justice to accept a stipend for offering several Masses, and to offer only one Mass; nor is it contrary to fidelity, even if one promises, even under oath, to give a stipend to one who offers a Mass, provided that one does not offer it for any other purpose.

11. Sins omitted or forgotten in confession, either due to the urgency of life or for another reason, are not required to be expressed in the subsequent confession.

12. Mendicants can absolve from sins reserved to the Bishop, without having received from the Bishops the faculty to do so.

13. He fulfills the precept of annual confession who confesses to a regular Bishop presented to him, but unjustly rejected by him.

14. He who makes a voluntary confession that is null, fulfills the precept of the Church.

15. The penitent can, by his own authority, substitute another who will perform the penance in his place.

16. Those who hold a benefice with cure of souls can choose a simple priest for their confessor who is not approved by the Ordinary.

17. It is permissible for a Religious, or a cleric, to kill a calumniator who threatens to spread grave crimes about him, or about his religion, when no other means of defense is available, as would seem to be the case if the calumniator is prepared to publicly and before the most serious men, attack the Religious, or his religion, unless he is killed.

18. It is permissible to kill a false accuser, false witnesses, and even judges, from whom a certainly unjust sentence is imminent, if it cannot be avoided in any other way.

19. The husband does not sin by killing his wife with his own authority, if he catches her in adultery.

20. The restitution imposed by Pius V. on those who do not recite the Divine Office is not due in conscience before a declaratory sentence is pronounced by the judge, because it is a penalty.

21. He who holds a collated chaplaincy, or any other ecclesiastical benefice, and dedicates himself to the study of literature, fulfills his obligation if he has the Divine Office recited by another.

22. It is not contrary to justice to not confer ecclesiastical benefices gratuitously, because the one who confers these ecclesiastical benefices, with money involved, does not demand that money for the conferral of

Translated by churchlatin.ai, a product of Boyne Archives

the benefice, but rather as a temporary emolument, which he was not obligated to grant.

23. He who breaks the fast of the Church, to which he is bound, does not sin mortally, unless he does so out of contempt, or disobedience, for example, because he does not want to subject himself to the precept.

24. Softness, sodomy, and bestiality are sins of the same low species; therefore, it is sufficient to say in confession that one has procured pollution.

[*Latin ed. p. 223*]

25. He who has intercourse with a woman who is not his wife fulfills the precept of confession by saying: "I have committed a grave sin against chastity by having intercourse with a woman who is not my wife," without explaining the act of intercourse.

26. When parties in a dispute have equally probable opinions in their favor, the judge may accept money in order to render a judgment in favor of one party over the other.

27. If a book is the property of a minor, and it is modern, then the opinion that it should be kept should be considered probable, unless it is established that it has been rejected by the Apostolic See as being improbable.

28. The people do not sin, even if, without any cause, they do not accept a law promulgated by the prince.

Then, on the Feast of the 5th day of March, in the year 1666. Propositions:

29. On the day of fasting, he who eats a small amount, and if he eats a noticeable quantity at the end of the day, does not break the fast.

30. All officials who work bodily in the republic are excused from the obligation of fasting, and they do not need to certify whether their work is compatible with fasting.

31. All those who are traveling by riding are absolutely excused from the precept of fasting, no matter how they travel, even if the journey is not necessary, and even if the journey is completed in one day.

32. It is not evident that the custom of not eating eggs and dairy products during Lent is obligatory.

33. The restitution of fruits due to the omission of prayers can be fulfilled by any alms that the beneficiary has previously made from the fruits of his benefice.

34. Reciting the Paschal office on Palm Sunday fulfills the precept.

35. One can fulfill the double precept for the present day and the following day by uniting with the office.

36. Regulars can make use of their privileges in foro conscientiae, which are expressly restored by the Council of Trent.

37. The indulgences granted to Regulars, and revoked by Paul V, are

Translated by churchlatin.ai, a product of Boyne Archives

today revalidated.

38. The mandate of Trent, that a priest who is compelled by necessity to offer sacrifice with mortal sin, should, as soon as possible, confess, is a counsel, not a precept.

39. That word, "as soon as possible," is understood to mean that the priest should confess in due time.

40. It is a probable opinion that a kiss given solely for carnal delight, and the sensation arising from the kiss, are venial sins, provided that there is no danger of further consent and pollution.

[*Latin ed. p. 224*]

41. A concubinarius non est obligatus concubinam ejicere, si ista esset nimis utilis ad oblectamentum concubinarii, vulgo Regalo, dum, deficiente illa, nimis aegre ageret vitam, et aliae epulae tedio magno concubinarium afficerent; et alia serva nimis difficile inveniretur.

42. Licitum est mutuanti aliquid ultra sortem exigere, si se obliget ad non repetendam sortem usque ad certum tempus.

43. Annuum legatum pro anima relictum non durat plus quam per decem annos.

44. Quoad forum conscientiae, reo corripso, ejusque contumacia cessante, cessant censurae.

45. Libri prohibiti, donec expungantur, possunt retineri, usque dum adhibita diligentiā corrigantur.

Idem Sanctissimus, re mature considerata, statuit, et decrevit, praedictas propositiones, et unamquamque ipsarum, ut minimum tamquam scandalosas esse damnandas, et prohibendas, sicut eas damnat, ac prohibet: ita ut quicumque illas aut conjunctim, aut divisim docuerit, defenderit, ediderit, aut de eis etiam disputative, publicè, aut privatim tractaverit, nisi forsan impugnando, ipso facto incidat in excommunicationem, a qua non possit (praeterquam in articulo mortis) ab alio, quācumque etiam dignitate fulgente, nisi a pro tempore existente Romano Pontifice, absolvi. Insuper districtè in virtute sanctae obedientiae, et sub interminatione divini judicii prohibet omnibus Christi fidelibus cujuscumque conditionis, dignitatis, ac status, etiam speciali et specialissima nota dignis, ne praedictas opiniones, aut aliquam ipsarum ad praxim deducant.

PROPOSITIONES DAMNATAE A SS. D. INNOCENTIO PAPA XI. (4).

Ferid 5 die 2 Martii 1679.

4. Non est licitum in sacramentis conferendis sequi opinionem probabilem de valore sacramenti, relictā tutiore, nisi id vetet lex, conventio, aut periculum gravis damni incurrendi. Hinc sententia probabili tantum utendum non est in collatione baptismi, ordinis sacerdotalis, aut episcopalis.

Translated by churchlatin.ai, a product of Boyne Archives

2. Probabiliter existimo, judicem posse judicare juxta opinionem etiam minùs probabilem.

(1) Summus Pontifex statuit et decrevit sequentes propositiones et unamquamque ipsarum, sicut jacent, ut minimum tamquam scandalosas et in praxi perniciosas esse damnandus et prohibendas, sicuti eas damnat et prohibet.

Edit.

[*Latin ed. p. 225*]

3. Generally speaking, whenever we act with a probability, whether intrinsic or extrinsic, however slight, provided that we do not exceed the bounds of probability, we act prudently.

4. An unbeliever will not be excused from infidelity for not believing, if led by an opinion that is less probable.

5. We cannot condemn one who, in his life, performs but once an act of love for God.

6. It is probable that one is not strictly obligated, even every five years, to fulfill the precept of charity towards God.

7. It is only obligated when we are bound to justify ourselves, and we have no other way in which we can justify ourselves.

8. To eat and drink to the point of satiety solely for pleasure is not a sin, provided it does not harm one's health, because a natural appetite can licitly enjoy its actions.

9. The exercise of conjugal duties solely for pleasure is entirely free from guilt, and from venial fault.

10. We are not bound to love our neighbor internally and formally.

11. We can fulfill the precept of loving our neighbor through external acts alone.

12. Scarcely will you find, even in kings, a superfluous estate. And thus, scarcely is anyone bound to alms, when he is bound only from a superfluous estate.

13. If you do so with due moderation, you can, without mortal sin, be saddened by the life of another, and rejoice at his natural death, and pray for him with an ineffective affection, not indeed out of dislike for the person, but for some temporal advantage.

14. It is licit to desire the death of one's father with a firm desire, not indeed as an evil of the father, but as a good for the one desiring, because thereby he will receive a rich inheritance.

15. It is licit for a son to rejoice at the parricide of his parent committed by him in a state of drunkenness, because of the immense wealth derived from the inheritance.

16. Faith is not considered to fall under a special precept, and by itself.

Translated by churchlatin.ai, a product of Boyne Archives

17. It is sufficient to perform an act of faith once in life.

18. If someone is questioned by public authority, it is proper to confess one's faith ingenuously, as to God, and to consider it a glorious thing; to remain silent is not sinful in itself, but it is harmful.

19. The will cannot effect that the assent of faith in oneself is more firm than it deserves, according to the weight of the reasons that impel to assent.

20. Hence, one can prudently reject an assent that one had in a supernatural manner.

21. The assent of supernatural faith, and useful for salvation, stands with no-

[*Latin ed. p. 226*]

21. It is merely a probable indication of divine revelation; indeed, the very fear that one might have spoken without divine sanction.

22. Faith in the one true God seems necessary only as a means, not as an explicit reward.

23. Faith, expressed through the testimony of creatures, or a similar motive, is sufficient for justification.

24. To call God to witness in a lie is a minor offense, not so great that it would necessarily merit condemnation.

25. It is permissible to swear an oath without the intention of swearing, whether the matter is light or grave.

26. If someone, whether alone or before others, whether questioned or acting of his own accord, or for the sake of amusement, or for any other purpose, swears that he has not done something that he actually did, understanding within himself something else that he did not do, or a different way in which he did it, or any other addition to the truth, he does not truly lie, nor is he perjurious.

27. A just reason for using such ambiguities is whenever it is necessary or useful for the salvation of the body, honor, the protection of family affairs, or for any other virtuous act, so that the concealment of the truth is considered at that time expedient and prudent.

28. He who is promoted to a position of authority, whether through recommendation or appointment, can, with a mental reservation, take an oath that is usually required by the king from similar individuals, without regard to the intention of the one demanding the oath, because he is not obligated to confess a hidden crime.

29. Grave and urgent fear is a just reason for feigning the administration of the sacraments.

30. It is permissible for an honorable man to kill an aggressor who intends to spread calumny, if otherwise he cannot avoid this disgrace; the same applies if someone attacks with a sword or strikes with a club; and

Translated by churchlatin.ai, a product of Boyne Archives

after being struck with a sword or club, one may flee.

31. It is permissible to kill a thief for the sake of preserving a single gold coin.

32. It is not only permissible to defend oneself with deadly force against an attack, but also against those who unjustly hinder the acquisition of property that one actually possesses, or that one has a right to, or that one expects to possess.

33. It is permissible for both the heir and the legatee to defend themselves against one who unjustly prevents them from receiving the inheritance or the legacy, just as it is permissible for one who has a right to a chair or a benefice to defend himself against one who unjustly hinders his possession of it.

34. It is permissible to procure an abortion before the formation of a soul, in order that a girl who is pregnant may not be killed or dishonored.

35. It seems probable that every fetus, as long as it is in the womb, lacks a rational soul, and that it only begins to have it when it is born.

[*Latin ed. p. 227*]

And consequently, it must be said that homicide is not committed in any abortion.

36. It is permissible to steal, not only in extreme necessity, but also in a grave one.

37. Servants, and domestic female servants, can secretly take things from their masters to compensate for the work they do, which they consider to be worth more than the salary they receive.

38. No one is obligated, under pain of mortal sin, to restore what was taken through a few thefts, no matter how large the total sum may be.

39. He who moves another, or induces him to inflict a serious harm on a third party, is not obligated to make restitution for that harm caused.

40. A contract of *mohatora* is licit, even with respect to the same person, and with a previously initiated contract of sale, with the intention of profit.

41. When a numbered sum of money is more valuable than the thing being counted, and there is no one who would make the present money more valuable than the future, the creditor may demand something more than the agreed-upon amount from the debtor, and is excused from usury on this account.

42. Usury is not present when something is demanded beyond the agreed-upon amount, as if it were due out of benevolence and gratitude, but only when it is demanded as something due by right.

43. Is it not venial, to diminish greatly the authority one has by falsely accusing another?

44. It is probable that one does not commit mortal sin, who falsely ac-

Translated by churchlatin.ai, a product of Boyne Archives

cuses someone, in order to defend his own justice and honor. And if this is not probable, there will scarcely be any probable opinion in theology.

45. To give something temporal for something spiritual is not simony, when the temporal thing is not given as a price, but solely as a motive for conferring, or effecting, something spiritual, or even when the temporal thing is simply a free compensation for the spiritual, or vice versa.

46. And this also holds true, even if the temporal thing is the principal motive for giving the spiritual, indeed, even if it is the end of the spiritual thing itself, so that the temporal thing is considered more valuable than the spiritual thing.

47. When the Council of Trent said that those who promote the less worthy, and less useful to the Church, to the Churches, communicate in their sins mortally, the Council either, firstly, seems to intend by this to mean that it does not mean anything other than the dignity of those chosen, taking the comparative as positive; or secondly, with less appropriate language, places "worthy" to exclude the unworthy, not the worthy; or finally, it speaks in a third way, when there is a conflict.

48. It seems so clear that fornication, in itself, involves no malice, and is only evil because it is forbidden, so that it appears to be entirely contrary to reason.

49. Softness, which is prohibited by natural law, is not. Therefore, if God does not...

[*Latin ed. p. 228*]

50. A dispensation, if granted, may render a good work, and sometimes even a work that would otherwise be mortal sin, permissible.

51. A young man who, with a submissive demeanor, knowingly assists a woman in climbing through windows to rape a virgin, and who does this repeatedly, by carrying a ladder, opening a door, or by similar cooperation, does not commit a mortal sin, if he does so out of fear of a notable harm, such as being mistreated by his master, being subjected to harsh words, or being expelled from the house.

52. The precept of observing the holy days does not obligate under pain of mortal sin, unless there is a scandal, provided there is no contempt.

53. One fulfills the Church's precept regarding hearing the sacred services by attending two of its parts, or even four simultaneously, celebrated by different persons.

54. He who is unable to recite Matins and Lauds, can, however, fulfill the obligation by reciting the other hours, and is bound to do so, because the greater part draws the lesser part to itself.

55. One fulfills the precept of annual Communion by receiving the Holy Body of Christ sacrilegiously.

56. Frequent confession and Communion, even in those who live accord-

Translated by churchlatin.ai, a product of Boyne Archives

ing to the ways of the world, are a sign of predestination.

57. It is probable that a natural contrition is sufficient, provided it is sincere.

58. We are not bound to confess to the confessor the habit of any particular sin.

59. It is permissible to grant absolution sacramentally for only half of the confessed sins, due to the great number of penitents, as may happen, for example, on a major feast day or during an indulgence.

60. A penitent who has a habit of sinning against the law of God, of nature, or of the Church, even if no hope of amendment appears, is not to be denied, nor postponed, absolution; provided he expresses, with his own mouth, that he is sorry, and proposes to amend.

61. It is sometimes possible to absolve one who is in the very near occasion of sin, which he can, and does not want to avoid, indeed, who actively seeks it out, or allows himself to be drawn into it.

62. The near occasion of sin is not to be avoided when some useful or honest reason for not avoiding it arises.

63. It is permissible to seek out the near occasion of sin for the sake of one's own spiritual or temporal good, or that of one's neighbor.

64. A man is capable of receiving absolution, even if he suffers from ignorance of the mysteries of the faith, and even if, through culpable negligence, he does not know the mystery of the most Holy Trinity, and the Incarnation of our Lord Jesus Christ.

65. It is sufficient to have believed those mysteries once (4).

66. The decree of the Pontiffs is usually understood as follows:

[*Latin ed. p. 229*]

PROPOSITIONS CONDEMNED BY ALEXANDER VIII. Decree. On the 5th day of August, 1690, two propositions were presented for examination in the General Congregation of the Holy Roman and Universal Inquisition, namely: 1. Objective goodness consists in the suitability of an object to human reason; and formal goodness consists in the conformity of an action to the rule of morals. It suffices for a moral act to tend towards the ultimate end, interpretatively. Man is obligated to love this, neither at the beginning nor during the course of his moral life. 2. A philosophical, or moral, sin is a human act that is contrary to human reason and right reason. A theological sin, and a mortal sin, is a transgression of divine law through free will. A philosophical sin, however grave it may be in one who either does not know God, or does not actually think of God, is a grave sin, but it is not an offense against God, nor is it a mortal sin that dissolves friendship with God, nor is it deserving of eternal punishment. 55. The Pope declared the first proposition heretical; the second, rash, scandalous, etc. Second Decree. On the 6th day of December, 1690, the same Most Holy Pope Alexander VIII

Translated by churchlatin.ai, a product of Boyne Archives

condemned the following 31 propositions: 1. In the state of fallen nature, for a mortal sin and for deserving punishment, that freedom suffices, by which one was, in his cause, voluntary and free in original sin, and by the word, status, and dignity of Adam, whether all or some of these, jointly or separately, have been defended or denied, or have been discussed and publicly or privately treated or preached, unless perhaps by refutation; by this very act, he falls into excommunication *latae sententiæ*, from which he cannot be absolved (except at the point of death) by anyone, whatever his dignity, except by the reigning Roman Pontiff. Furthermore, in virtue of holy obedience and under the threat of divine judgment, he strictly prohibits all faithful Christians, of whatever condition, dignity, and status, even those worthy of praise and special consideration, from putting the aforementioned propositions, or any of them, into practice. Finally, in order that doctors or scholars, or anyone else, may abstain from contentious arguments, so that peace and charity may be promoted, the same Most Holy [Pope] commanded, in virtue of holy obedience, that they be careful to avoid all censure and notes, both in printed and manuscript books, as well as in theses, discussions, and sermons; and that no one be convicted of having held opinions contrary to those propositions, which are still being disputed among Catholics here and there, until the Holy See recognizes them, and a judgment is pronounced on those same propositions.

[*Latin ed. p. 230*]

2. Although invincible ignorance of the natural law may be given, this does not excuse from formal sin those operating in the state of fallen nature.

3. It is not permissible to follow an opinion, even if it is the most probable of probable opinions.

4. He gave Himself up as an offering to God for us, not for the elect alone, but for all, and for the faithful alone.

5. Pagans, Jews, heretics, and others of this kind receive no influence whatsoever from Jesus Christ; and therefore, it rightly follows that in them there is a bare and impotent will, without any sufficient grace.

6. Sufficient grace is not so useful to our state as it is harmful, so that we can rightly pray: "O Lord, deliver us from sufficient grace."

7. Every human action is either for the love of God or for the love of the world; if for the love of God, it is the charity of the Father; if for the love of the world, it is the concupiscence of the flesh, which is evil.

8. It is necessary that the unbeliever sin in every work.

9. He truly sins who hates sin merely because of its ugliness and its incompatibility with nature, without any regard for offending God.

10. The intention with which one detests evil and pursues good, merely in order to obtain heavenly glory, is not right, nor pleasing to God.

11. Everything that is not from Christian supernatural faith, which oper-

Translated by churchlatin.ai, a product of Boyne Archives

ates through love, is sin.

12. When all love fails in great sinners, faith also fails, and even if they seem to believe, it is not divine faith, but human faith.

13. Whoever serves God with a view to eternal reward, if he lacks charity, does not lack vice, whenever, even with that intention, he acts.

14. The fear of hell is not supernatural.

15. Contrition which is conceived from the fear of hell and of punishments, without the love of God for His own sake, is not a good or supernatural movement.

16. The order of making satisfaction before absolution was instituted not by human law or the institution of the Church, but by the very law and prescription of Christ, as nature itself dictates.

17. Through this practice, the order of penance is quickly inverted.

18. The modern custom regarding the administration of the sacrament of penance, even if supported by the authority of many people, and confirmed by the long duration of time, is nevertheless not considered by the Church as proper usage, but as abuse.

19. A man ought to practice penance throughout his life for original sin.

20. Confessions made by religious are, in most cases, either sacrilegious or invalid.

21. A parishioner may suspect mendicants who solicit alms.

[*Latin ed. p. 231*]

They live in common, with a penance, or satisfaction, imposed which is far too light, and incongruous, for the offense or gain of temporal support. 22. Those who claim the right to Holy Communion are to be judged sacrilegious, unless they have first performed a fitting penance for their sins. 23. Similarly, those in whom the purest love of God is not present, and who are free from all mixture, are to be kept away from the Holy Communion. 24. The offering made in the temple by the Most Blessed Mary on the day of her Purification, of two doves, one for a holocaust, and the other for sins, sufficiently testifies that she needed purification, and that the Son, who was offered, was also stained with the stain of His Mother, according to the words of the law. 25. It is a sacrilege for a Christian to place an image of the Father of God in the temple. 26. Praise offered to Mary, as to Mary, is vain. 27. Baptism, at one time, was validly conferred under this form: "In the name of the Father, etc.," omitting those words, "I baptize you." 28. Baptism is validly conferred by a minister who observes all the external rites and the form of baptism, but in his heart resolves: "I do not intend what the Church intends." 29. The assertion that the Roman Pontiff has authority above an ecumenical council, and infallibility in deciding matters of faith, is futile and has been repeatedly refuted. 30. Whoever finds a doctrine clearly founded in Augustine, may absolutely hold and teach it, without regard to

Translated by churchlatin.ai, a product of Boyne Archives

any papal bull. 34. The Bull *In Eminenti* of Urban VIII is spurious (1). (1) a) In this bull of Urban VIII, published in the year 1641, the constitutions of Pius V and Gregory XIII are confirmed, and 79 propositions of Baius are condemned; in the same document, the book of Cornelius Jansenius, entitled *Augustinus*, is again prohibited. This bull was called spurious by Baius and the Jansenists, as if it was published by a Pope ignorant of the truth. b) The aforementioned 31 propositions are condemned and prohibited as rash, scandalous, ill-sounding, injurious, close to heresy, knowing heresy, erroneous, schismatic, and heretical, respectively. c) Here, it would be appropriate to add five condemned propositions concerning war, but the reader may find them in the works, book 4, chapter 400, edition.

[*Latin ed. p. 232*]

ENCYCLICAL LETTERS AND DECREES OF BENEDICT XIV concerning matters of morals. CHAPTER I. ENCYCLICAL LETTER I. CONCERNING FASTING. To the Venerable Brothers, greetings and the apostolic blessing. We do not doubt, Venerable Brothers, that it is known to all who observe the Catholic religion, that the Lenten fast, which was originally foreshadowed in the Law and the Prophets, and which our Lord Jesus Christ, by His own example, consecrated, and which was handed down by the Apostles, and prescribed by the sacred canons everywhere, and which has been observed and maintained by the universal Church from its very beginning, is permanently counted among the principal pillars of orthodox discipline. For, as the ancient Fathers have handed down to us, it is a common remedy instituted for our daily sins, by which, through the fellowship of the Cross of Christ, we do something in that which He Himself has done for us; and, at the same time, purified by fasting, both in body and soul, we are more fittingly prepared to remember the sacred mysteries of our redemption, which are solemnly celebrated, especially during the Lenten season, in memory of the Lord's Passion and Resurrection. By this, as if a badge of our military service, we are separated from the enemies of the Cross of Christ, we avert the lashes of divine vengeance, and we are daily fortified by heavenly assistance against the princes of darkness. To despise this is to show contempt for the divine glory, a not insignificant disgrace to the Catholic religion, and a great...

[*Latin ed. p. 233*]

The peril of Christ's faithful arises from this; and it is evident that calamities, ruin, and destruction are brought upon peoples, and upon public and private affairs, from no other source. But this, which is inherent in the very nature of all Catholic people, namely, the most sacred Lent, and other days consecrated to fasting, and the reverence with which it is observed, is so utterly different from the current custom of those who fast today, so far removed from the very institution of fasting, and from the discipline which

Translated by churchlatin.ai, a product of Boyne Archives

has always been observed everywhere and by all, that you, venerable Brothers, who know the customs and practices of the people entrusted to your care, understand this more clearly than others, by reason of your singular wisdom. We, indeed, who, from this lofty vantage point of the apostolic office, receive news from all nations, cannot sufficiently deplore that the most sacred observance of Lent has been so openly undermined by a facility of dispensation, without any legitimate reason, and indiscriminately everywhere, so that those who cultivate true religion justly lament, while heretics mock and rejoice. We are deeply grieved that this pernicious corruption has been compounded by the license of many; which has grown so strong that, without regard for the sacred institutions and precepts of the apostolic order, banquets and feasts forbidden during the time of fasting are openly and impunely held by those very people. Therefore, as we are burdened with such concerns, anxieties, and sorrows, we communicate with you, our Brothers, and we cannot refrain from urging, in accordance with the highest duty imposed upon us by the sacred office of the Apostleship, and with the most ardent zeal for the welfare of your fraternities, that you strive to find a suitable remedy for these evils, and to consider enacting laws to thoroughly eradicate such abuses. Therefore, venerable Brothers, considering that your joy and our joy are one, there is nothing more pleasing to God, nothing more worthy of our pastoral ministry, nothing more useful to the flocks entrusted to our care, than that you, by word and example, may more zealously encourage the faithful to embrace this most salutary practice of Christian penance and piety, and to maintain it steadfastly, and to pursue it with greater fervor, in accordance with the discipline of their institutions. We must strive with all our effort and diligence that the people of God, in the sight of God, may remain such as it is fitting to find in the very feast of Easter, through a more rigorous observance of fasting. Therefore, it is the rightful duty of the diligence and charity of each of you to make this known and announced to all, to no one without a legitimate reason, and with the advice of both physicians; and to the multitude, or as to a people, or a city, or a nation, indiscriminately, only in cases of the most serious and urgent necessity, and in cases prescribed by the sacred canons.

[*Latin ed. p. 234*]

The reverence due to this apostolic and holy See requires that, whenever a dispensation from the Lenten fast is needed, it be granted, and that it be used neither presumptuously nor boldly, nor demanded with arrogance from the Church, as we have learned is sometimes the practice. However, a very serious and urgent necessity compels us; although we need not explain to you the reason, we do not wish to leave you ignorant, when such a necessity requires that only one meal be observed, as we have expressly prescribed here in Rome, and as we ourselves have dispensed this year, for urgent reasons, and that permissible and prohibited foods be mixed as

Translated by churchlatin.ai, a product of Boyne Archives

little as possible. Furthermore, we are convinced that, if this indulgence is granted with such caution, a clear account will be rendered to the highest divine judgment; and we believe that the conscience of each of you should be burdened accordingly. We also implore our Brothers, exhorting them in the Lord, to admonish those peoples who are unable to observe the common penance and discipline of all the faithful of Christ, lest they neglect to expiate their sins and satisfy God through other works of piety, as their devotion suggests; rather, they should diligently apply themselves to healing the wounds by which human weakness is afflicted, so that, since they cannot cleanse the faults contracted from the worldly dust through pure fasts, they may redeem them through pious works, the support of prayers, and the gifts of alms. In the meantime, the solace and comfort that your pastoral vigilance and charity bring to our sorrow are not small, and we are certainly assured that the apostolic blessing, together with an abundance of heavenly graces, will be abundantly bestowed upon your people. We desire that, with the examples presented here, or those that may be printed, and signed by the hand of a public notary, and sealed with the seal of a person of ecclesiastical standing, the same faith be applied everywhere, as is applied here, and could be applied if they were presented or shown. Given in Rome, at Saint Mary Major, under the Fisherman's ring, on the thirtieth day of the month of May, in the year one thousand seven hundred and forty-one, in the first year of our pontificate. Cardinal Passioneus.

ENCYCLICAL LETTER II. ON THE SAME FAST. In the supreme and universal administration of the Church, through the ineffable abundance of divine goodness, and although our merits are unequal, we, as defenders of the orthodox faith, are also entrusted with the guardianship and defense of ecclesiastical discipline.

[*Latin ed. p. 235*]

We desire to restore, as far as possible, the observance of the Lenten fast, which, among the principal precepts of orthodox discipline, has always and everywhere been considered from the very beginning of the Church, and to defend it from the corruption that now afflicts those who fast, through our other letters of brief form sent to your Fraternities on the thirtieth day of last May, we have endeavored to stir up the zeal of your Fraternities, so that you might strive to ensure that this matter does not lack the alleviation of the sorrows of our apostolic concern, and the remedy for the abolition of the corruption of the most sacred fast. However, mindful of the paternal charity of the pontiff, which knows how to support the weaknesses of the infirm, and even to become infirm with those who are infirm, and having considered that, by apostolic benevolence, it is permissible to dispense from the fast for a legitimate reason, or for a most urgent necessity; we have also prescribed that only one meal should be observed, and that

Translated by churchlatin.ai, a product of Boyne Archives

permissible and prohibited foods should not be distinguished in any way. We have learned that there are those who, through human, and to men abhorrent from Christian penance, arguments, seek to persuade themselves and others that only one meal should be observed, and that permissible and prohibited foods should not be distinguished in any way, while for the multitude, it is dispensed with indiscriminately due to a most urgent necessity, and not for individuals due to a legitimate reason, and with the advice of both physicians. To remove this persuasion, which is alien from our judgment, we declare and decree, by these presents, that, whether for the multitude indiscriminately due to a most urgent necessity, or for individuals due to a legitimate reason, and with the advice of both physicians, provided that there is no certain and dangerous reason affecting health, and that otherwise it is necessarily required, in Lent, and in other times and days of the year in which the consumption of meat, eggs, and dairy products is prohibited, a dispensation should be granted to all, without exception, to observe only one meal, and that permissible and prohibited foods should not be distinguished in any way; as we expressly prescribe and command to each of our briefs of the same form, granting permission to each of the faithful of Christ, who are subject to bodily infirmities, to eat on the most sacred days of Lent and other fasts, which are forbidden to them. Therefore, we implore your Fraternities, and we beseech you in the Lord, to encourage the people entrusted to your care to diligently apply the remedy of the most sacred fast to heal the wounds by which each person is afflicted through human infirmity.

[*Latin ed. p. 236*]

Urging them, but rather admonishing them paternally, that the matter in question is not insignificant, but rather of the utmost importance, concerning the observing and enduring of the fast, for the purification of souls and bodies. Therefore, raise their hopes with the promise of rewards, for which those who strive in the arena receive a perishable crown; but our slight and momentary discomfort, which is not tribulation, but rather a moderate abstinence, works a great weight of glory in the heavens. All must abstain from things, who contend in the arena, that they may receive a corruptible crown; let it be shameful for such weak and delicate soldiers of the Christian army to refuse to participate in the fellowship of the Cross of Christ, who promises the incorruptible crown to those who rightly contend for it; under whose auspices, and as a pledge, we most earnestly grant our apostolic blessing to your fraternities, and to those very peoples, in our name. We desire that, just as the faith is applied everywhere, which is applied to these present documents, or would be applied if they were presented or shown, so too, with the same faith, it should be applied everywhere, and that it should be done by the hand of a public notary, subscribed, and sealed with the seal of a person in an ecclesiastical office. Given in Rome,

Translated by churchlatin.ai, a product of Boyne Archives

at the Basilica of Saint Mary Major, under the seal of the Fisherman, on the twenty-second day of the month of August, in the year one thousand seven hundred and forty-one, in the second year of Our Pontificate.

ENCYCLICAL LETTER III. CONCERNING THE HOLY FAST. We gladly embrace the opportunities offered to us to stir up your minds, so that you may devote diligent care to the restoration of ecclesiastical discipline. For we understand that the dignity of the Supreme Pontificate, to which we, though unworthy, have been raised, is joined with a concern for other Churches, and that those entrusted to our care are plainly not ignorant of the weakness of men. Since, therefore, the entire argument of these letters concerns the fast, which is instituted and prescribed by the ancient Church to the faithful during the time of Lent; we consider it superfluous to offer a long prayer concerning the institution of Lent, and to bring forward all the authorities of the Fathers and Councils on this matter. This, indeed, seemed to us to be of little importance, but rather foreign, and in no way suitable to you, whom we consider to be outstanding in the knowledge of doctrine, canons, and sacred history. Furthermore, we have been moved to write these letters by those most serious words of the Council of Trent, which, in Session 25, concerning Reforms, command Bishops to devote all their effort to ensure that the faithful, entrusted to their care, perform with great reverence those things which are prescribed by the sacred canons:

[*Latin ed. p. 237*]

To all those, and especially to those who are subject to them, let those things be observed which pertain to the observance of Lent, such as the choice of food and fasting. When we first undertook the administration of the Church of Bologna (to which we were transferred by the grace of Clement XII, as recorded by the See of Ancona), we issued a decree (which is contained in the first book of the *Institutiones posteriores* for clerics, in the fifteenth place). In that decree, we indicated several difficulties, because of which we considered that those who, for a legitimate reason, and with legitimate authority interposed, did not observe the Lenten fast, should be excused from the law of fasting; that is to say, that it should be permitted to them to set the table twice on any given day, not once, with an evening meal added, which is usually permitted to those who are fasting. Finally, having been placed in this pontifical See, we again reviewed the entire matter, and we asked the most distinguished men to carefully and thoroughly examine it, and then to express their opinions to us. After this, we decided to put an end to this controversy, and we decreed that, in the future, no special or general permission should be granted to any city or town to use meat at the table during Lent, unless the condition of observing the fast, or of having only one meal, is included; and also that it should be noted that it is by no means permissible to serve

Translated by churchlatin.ai, a product of Boyne Archives

the same meal with both meat and fish. Indeed, having rejected these excessively complicated questions, we considered it necessary to indicate to those who have legitimately used meat when a fast is prescribed, that they should also have only one meal each day; and to completely eradicate that wicked custom, which had already become too prevalent among many, namely, of bringing meat to the table with fish, after they have been excused from the precept of Lenten abstinence, primarily because they suffer a serious detriment to their salvation from eating fish. These things are clearly stated in our apostolic letters, which we issued in the form of a Brief to all the Bishops of the Catholic world in the year 1744, the first of which begins: "We do not doubt"; and the others, "In suprema." We have, in fact, never granted anyone permission to eat meat when the time of Lent, or any other fast, is prescribed, unless with a condition expressly stated, as we mentioned above. We also received with great joy many letters and decrees from you, which were entirely in agreement with our apostolic letters, in which you strove with manly vigor to persuade the people subject to you to piously observe the discipline proposed to them. Meanwhile, the same apostolic letters, which we mentioned a little earlier, have given rise to several objections, as we had previously suspected. Several questions have also been proposed to us, which, as we believe, are of little importance; since they are either resolved by the very words of the law, or by its meaning.

[*Latin ed. p. 238*]

They are overturned, and they are dissolved. However, aware of these matters, and possessing the utmost expertise, the sacred tribunal of our Penitentiary has entrusted to us the examination of these same questions, to which we have fully and completely responded, whenever it has been necessary. The Archbishop of Compostellæ, the first Inquisitor in the kingdom of Spain, recently deceased, sent us a letter in which he recounted several difficulties that prevented the execution of our Apostolic Letters, because some theologians held diverse opinions and judgments regarding certain questions, which our Apostolic Letters provided an opportunity to address; and he therefore inquired about our judgment on these matters. Indeed, the Archbishop's letter found us occupied with very serious and difficult matters. However, as we examined the questions presented therein, we did not find, as was hoped, that a response should be given to those questions, and that, once resolved, no impediment or obstacle would remain to our Apostolic Letters, but rather that the objections raised contributed very little to achieving the desired end. Furthermore, the Archbishop's letter was replete with many arguments and obscure expressions: therefore, although many urged us not to respond to the Archbishop, we nevertheless provided a response, extracting the most important points from his letter and reducing all the questions to a certain number. First, we testified that our

Translated by churchlatin.ai, a product of Boyne Archives

delay in responding was due to our own preoccupations; we commended his diligence, and we greatly approved that he sought counsel from this Holy See, being hesitant and doubtful. Then, we did not fail to provide answers to the questions presented, but we reminded him of the institution of the Supreme Pontiffs, who establish laws, determine discipline, and have no regard for those who object to what has been established, in order to disrupt and overturn it. Shortly after the letters were sent, the Archbishop passed away, and it is therefore not without reason that we suspect that our responses, which were contained in the letters, were not known to those who had raised the questions. After this, other Bishops, also from Spain, presented us with some of the same questions; therefore, we used the same answers that we had previously given to the Archbishop of Compostellæ. There were also distinguished theologians among the Italians who illustrated our Apostolic Letters, which were published in the year 1741, with excellent commentaries: the same happened with the response that we gave to the Archbishop of Compostellæ on July 8, 1744, which we certainly took care to include in their books. But since such books may not yet have reached you, or you may have been too distracted by other concerns to examine them carefully, we are attaching to these Encyclical Letters the same ones, which (as has been said many times),

[*Latin ed. p. 239*]

To the Archbishop of Santiago de Compostela, we have written long ago, so that you may clearly know what discipline ought to be observed in your dioceses, and so that you may not be deterred by difficulties, should any be raised by captious men. To the Venerable Brother, the Archbishop of Santiago de Compostela, BENEDICT XIV, Pope. Greetings, and Apostolic Benediction. If your Fraternity should consider how greatly and with what weighty concerns we are almost overwhelmed, and how, especially in this most difficult time, the solicitude for all the Churches entirely occupies us, it will not be surprised that a response to those letters has been delayed so long, by which, with Apostolic authority, we dissolved certain disputes that arose in Hispania, concerning two of our Letters to all the Bishops of the preceding year, of May 30th, and August 22nd, in which we decreed the lawful observance of the ecclesiastical fast. Rather, it will occur to him to consider our singular love for the most religious Church of Hispania, from which we, although burdened by the immense weight of affairs, are always ready to offer our help to them in all their perplexities concerning salvation. Although, when we promulgated the aforementioned Constitutions, our sole intention was to restrain the license of a few theologians who are too confident in their own ingenuity, and who delight in novelty of opinion; and it was not our intention to define anything that could be deduced by subtle investigation from the rule of fasting that we proposed: nevertheless, with extraordinary paternal charity, we embrace so observant men

Translated by churchlatin.ai, a product of Boyne Archives

of the Roman See in Hispania, and we make such supplications to you, that we are gladly willing to devote our attention to your anxieties, and we ourselves have decided to resolve the questions you have proposed. Thus the matter stands: I. Whether those things which are prescribed in our aforementioned letters, in the form of a decree concerning a single meal and meals that are not mixed, are forbidden under a serious precept? We answer: Granting the faculty of eating meat at a permitted time, we do not intend to grant these same faculties otherwise than with these two conditions attached, namely, a single meal in a day, and meals that are not mixed. Those, however, who avail themselves of such faculties, are to be obligated under a serious precept to observe both of these conditions. II. Can those to whom it has been permitted to eat meat eat in the evening meal as much meat as is permitted to those who are fasting?

[*Latin ed. p. 240*]

We reply: It is not permitted, but it is necessary to use, as food, that portion which is used by those who are fasting with a right and careful conscience. III. Are those who are permitted to eat meat during the time of fasting, and who must observe the prescribed hour of fasting, also obligated to use only one meal? We decree that they are obligated to observe it. IV. What kinds of meals are permitted, and which are forbidden, and must these be joined together? We reply: For those to whom it is permitted to eat meat, the permitted meals are meat itself; the forbidden meals are fish, and both cannot be used together. However, those to whom only the permission to use eggs and dairy products is given are not forbidden from eating fish. V. Does the precept concerning the mixing of both kinds of meals also apply to the Sundays of Lent? It is affirmed that it applies. VI. Does this also apply to those who, from Rulle, can eat eggs and dairy products? We reply: Nothing in our Apostolic Letters has been established that pertains to the gracious Diploma of Cruciatae. Therefore, those who enjoy this [privilege] should carefully and considerately observe its terms, and conduct themselves according to its dictates. However, they should take care not to consider themselves excused from the laws prescribed therein by some empty excuse. VII. Do the aforementioned two precepts apply outside of Lent? It is answered: Both precepts apply outside of Lent: that is, the precept concerning only one meal, along with the other laws mentioned in the second and third points in response to this; and the other, concerning not mixing permitted meals with forbidden meals, as defined in the fourth point. You have, venerable Brother, a completely explained account of everything that you have written to us, saying that it has caused doubt among you, from our frequently cited Apostolic Letters. In this matter, we praised your prudence in consulting the supreme Roman See, so that the pastors may proceed with a free and unwavering step in nourishing the flock with sound doctrine; and in this undertaking, we recognized the religion of

Translated by churchlatin.ai, a product of Boyne Archives

Spain, which considers nothing safe to itself except that which is received from the Chair of Saint Peter: and through this most splendid glory, Spain has produced only a name and the fruit of incorrupt faith. However, you must be careful (and this pertains greatly to you, who hold the principal office of illustrious Archbishop and Inquisitor), lest, in expounding the constitutions of the Apostolic See, through excessive concern for extracting arguments, some [one] be...

[*Latin ed. p. 241*]

There are ways to render a judgment, and ways to avoid it. Let diligent works be presented, so that such doubts, which easily arise through the diversity of minds, may be thoroughly resolved among you, lest minds be ever troubled by prolonged debate; especially since the Constitutions themselves clearly demonstrate the purpose to which they tend, and whatever seems to disturb may be readily directed there. If those who have raised more doubts about this matter had understood this, they would have resolved their own difficulties. For it was clear that our intention was to restrain the lively minds of some theologians, who, having transgressed the bounds of due reverence, and having forgotten not a little that the Divine Law was instituted to restrain the body in its duties, were pleasing to this most offensive enemy. Immediately, if they had understood what was to be established in the proposed questions, they would not have caused us trouble, nor would they have occupied much of our time, which, nevertheless, we gladly spend for the sake of our singular concern for your people, in order to show you the right way; and at the same time, we urge you to be careful how to establish your steps in such matters. Finally, venerable Brother, we impart to you, with a sincere heart, the Apostolic Benediction, as a pledge of our benevolence. Given, etc. July 8, 1744.

Now, since these things are so, we seem to have fulfilled our duty, lest those to whom it is permitted to eat meat during the time of Lent, or outside of Lent, when it is prescribed to the faithful, exceed the limits of a single meal, or lest they be served a table with both fish and meat, or lest they investigate such things, so as to obscure the law. However, a few things still remain, which require a remedy from us.

For we have observed, for many years now, not only that more and more people in each city in Italy have been dispensed from the Lenten abstinence by your authority, but also that you strive with great zeal to free the entire city, and the entire diocese, from the same abstinence. This has resulted in the fact that, in some cities and dioceses, for many years now, all the faithful have used meat during Lent without any distinction. This gives us great concern, because we have learned from certain testimonies that, in some regions of the North, the use of milk and eggs is freely permitted throughout the entire course of Lent; because they have requested this permission for many years, and have obtained it from the Apostolic See; therefore, those

Translated by churchlatin.ai, a product of Boyne Archives

people have come to believe that they need not again appeal to the Pope to obtain such a concession, but that the previous concessions received each year are sufficient, so that the custom of using milk and eggs during Lent is established.

Furthermore, we believe that the following words from the Council of Trent, Session 25, chapter 18, on reform, should be given the greatest consideration: "As it is publicly known, the bond of the law..."

[*Latin ed. p. 242*]

At times, to relax [the law], so that more fully, in the event of circumstances and necessities for the common good, and to grant dispensations more frequently, rather than by the selection of certain individuals or things, but rather to all, it is nothing other than to open the way for everyone to transgress the laws. In our Apostolic Letters, which we addressed in the year 1744 to all Catholic Bishops, we sought to prevent this corruption by this means, and with these words, which we again set forth here: "Therefore, it is the duty of the diligence of each of you, and the office of charity, to make it known and announce to all, that to no one, without a legitimate cause, and with the advice of both physicians, and to the multitude, or as a whole people, or city, or nation, indiscriminately, except in cases of very grave and urgent necessity, and in cases prescribed by the canons of the Holy Council, a dispensation from the forty days of fasting should be granted as often as it is needed, nor should it be presumptuously and boldly claimed, nor arrogantly demanded from the Church, as if it were a right established elsewhere. Furthermore, we have followed this rule, when we have declared a multitude, or a whole city, exempt from the forty days of fasting. In the first place, the Bishop of the place should request this from us, and offer his testimony of a very grave and urgent necessity. Then, meat was permitted only if the use of milk and eggs seemed sufficient. But the permission to eat meat was granted only when the testimony of the Bishop judged it to be absolutely necessary, and when it could not be seen that the necessity could be adequately met by eggs and dairy products alone. Whenever the forty days of fasting were dispensed with by our authority, we nevertheless prescribed certain days on which the complete fast should be observed, namely, the day of ashes, the four days of Lent, the vigils to be observed, and the days of the greater week, from Palm Sunday. At times, we have even prescribed the entire week of ashes; at times, we have also prescribed fasting on Saturdays and weekdays, even if the permission granted by us included only the use of milk and eggs. Finally, we always added this condition, that the law of fasting should in no way be violated by a meal taken once a day, and that meat and fish should not be placed on the table at the same time. While we seriously consider the reason for this decision of ours, we do not fully agree, because of the concern and doubt that the cause presented by the

Translated by churchlatin.ai, a product of Boyne Archives

Bishop of the place, which we believed to be legitimate for dispensing with the forty days of fasting, may perhaps not be of that nature that it contains a true and urgent necessity. Indeed, we have always kept before our eyes the principle that we should do nothing contrary to reason, nothing rashly or imprudently. The sentiments of San Bernardino are likewise firmly fixed in our mind."

[*Latin ed. p. 243*]

To the Most Holy Pope Eugene, in Book 3, Chapter 4, concerning consideration: This is easily done, because you can; but whether you ought to, is the question, and when: However, we have shown faith to those to whom it was due, namely, the Bishops of the places. For, in no other way can the solicitude for the particular churches and the faithful be exercised, unless faith is held in the Bishops, by whom they are administered. But, so that this most important matter may be carried out more safely in the future, let those things which we mention below be brought to your attention, so that it may not be troublesome to you. You are not unaware that our predecessor, Innocent III, in Chapter "Consilium" concerning the observance of fasts, among the legitimate causes for dispensing from abstinence from meat during the time of fasting, enumerated a true and existing bodily infirmity. Furthermore, concerning those who, during Lent, or other solemn fasts, break the fast and ask to be permitted to eat meat, we respond that, when there is no necessity imposed by law, you can and ought to support the desire of the infirm, when an urgent necessity demands it, so that a greater danger may be avoided in them. Much earlier than Innocent III, the Fathers of the Eighth Council of Toledo, in Canon 9, which was held in the year 653, decreed: "Whoever, without unavoidable necessity, and without evident weakness, but also without the impossibility of age, dares to presume to eat meat on the days of Lent, will not only be guilty of the sin against the Resurrection of the Lord, but also will be excluded from the holy Communion of that same day..." But those whom either age bends, or infirmity weakens, or necessity presses, should not presume to violate [the fast] before obtaining permission from a priest. No one can fail to understand that such causes are sufficient to exempt some from the laws of fasting and abstinence, but not that the entire people, or an entire city, should obtain the same privilege. For, who could believe that all the citizens of a city, or a diocese, should be afflicted by the same grave illness, or be in the same danger, at the same time, so as to contract a perilous infirmity? Unless, perhaps, we are speaking of those illnesses which arise from the harshness of the air, or from contagion, about which we shall say a few words later. Who would ever believe that an entire people of a diocese, or a community, should be thoroughly weakened by a common infirmity, or completely worn out by extreme old age? Nor is there a sufficient reason to exempt a city, or a people, from the Lenten abstinence, and to allow them to eat meat, even if

Translated by churchlatin.ai, a product of Boyne Archives

fish, or eggs, are sold at a high price. For, just as cities have poor citizens, so too they have wealthy ones; and among these, some obtain the sustenance of life through labor and toil, while others have enough and more than enough through inheritance and wealth. Therefore, if a high price must be paid for the purchase of fish, this is burdensome for the poor citizens, but not for the wealthy. This is also asserted by some theologians, not of the most severe discipline.

[*Latin ed. p. 244*]

The exemptions, concerning which we have discussed the opinions in the ninth chapter of the third book of our *Institutiones*, which we printed at Bologna, must also be considered entirely invalid. It is argued that cities or dioceses where armies are stationed should be exempt from the Lenten fast, because the soldiers stationed in those places observe the laws of abstinence very little. Rather, this should incite the citizens to observe the fast properly and religiously, so that the soldiers, moved by such virtue of temperance, might follow their example. This exemption can only be introduced for a legitimate reason, namely, when the presence of military forces brings such scarcity of provisions and oil to a city that, even if the Lenten fast were observed, the prices of these goods would increase to an extreme degree. In such a case, the same measures should be adopted as we mentioned earlier, when fish and eggs are sold at a higher price. Therefore, particular illnesses, even if frequent, should not be invoked as a reason to postpone the observance of the Lenten fast, unless the citizens as a whole suffer from the same illnesses due to some ancient corruption; nor should the prices of herbs, oil, fish, and eggs be considered so important that every city or diocese should seek to be exempted from the instituted Lenten fast and temperance. If we examine the true and legitimate reasons that we have presented for obtaining this faculty, we will find two in particular, the first derived from canon law, and the second drawn from the experience of things themselves. Innocent III, whom we mentioned above, in the same chapter, *Consilium* concerning the observance of fasts, responding to the Archbishop of Braga who asked what penalty should be imposed on those who had not abstained from meat during Lent, due to extreme poverty and hardship, so that many would perish from hunger, replied with these words: "But when you ask what penance should be imposed on those who, during the days of Lent, at a time when such great famine prevailed that a large part of the people would perish due to lack of provisions, were forced to eat meat, we answer that we do not believe that they should be punished in such a case. However, offer prayers to the Lord for them, and pour out your compassion upon them, so that some fault may not be imputed to them, because it is the duty of good minds to fear sin, where sin is scarcely found." If any bishop, following the example of the Archbishop of Braga, were to seek the same counsel from the Apostolic See at this

Translated by churchlatin.ai, a product of Boyne Archives

time, he would be considered foolish and simple-minded, but in that most blessed age of the Church, the precept of Lent was held to be so important that those who failed to observe it were severely reprimanded, even if there was a reason for it, so that even children seemed to be subject to the same precept; nor was there any reason to make an exception for the leading men, even though their safety was considered to be linked to the well-being of the republic, as we have abundantly shown in the fifteenth chapter of the first book of our *Institutiones*. But these and other things that we have gathered together on this subject...

[*Latin ed. p. 245*]

They could; We shall examine this first from the response of Innocent III. At that time, it was held that the entire city, or diocese, could be dispensed from the Lenten fast if the necessary provisions, without which the precept of Lent could not be observed, were truly lacking. Therefore, if it is truly the case that oil and fish cannot be procured in a certain place, it is permissible for the inhabitants of that place to use milk and eggs. If these also are lacking, then the faculty to eat meat, provided it is wholesome, will be granted, always with the condition that the fast be observed. The island of Saint Dominique in South America is subject to our most beloved son in Christ, Lewis, King of the Gauls, a most Christian king, and there is no bishop presiding over it. The Prefect of the Society of Jesus, in the year 1742, inquired of us whether, from the dispensation granted to him by the Apostolic See regarding the eating of meat, eggs, and dairy products during times of fasting and Lent, it could be said that he had also been granted the faculty to dispense not only individual persons, but also a multitude of people, and all the inhabitants of his district, when he judged it expedient before God. And having received this response, he petitioned that the faculty be granted to him to grant dispensation to individual persons, but not to a multitude of people, nor to all the inhabitants of his district, for the reason he would explain. He explained the poor quality of the fish, the small number of fishermen who, fishing far from the island, brought back either rotten or spoiled fish due to excessive heat; the poverty of the people, who could not afford to buy oil necessary for Lenten foods; and finally, the lack of vegetables, which in that region easily spoil or are consumed by worms. The matter was then maturely discussed before us in the general congregation of the Holy Roman and Universal Inquisition on April 12, 1742. Considering the remoteness of the region, from which it was impossible to appeal to the Apostolic See each year; and considering the necessity of the faithful living on the islands under French jurisdiction in America, we granted the Prefects of missions in those parts the faculty, in the case of true and unavoidable necessity, and only from year to year, and only as long as that true necessity persisted, and in no other way, to dispense with the eating of eggs and dairy products, and even

Translated by churchlatin.ai, a product of Boyne Archives

of meat, during Lent, provided that, together with such dispensation, the observance of the fast be maintained through a single meal, and that the aforementioned Prefects be burdened with the knowledge that, if they did not use the granted faculty strictly according to the prescribed terms, they would be held accountable. But now let us proceed to experience. Fifteen years ago, a disease spread throughout almost all of Europe, which caused inflammation of the chest, in such a way that this fatal plague spread from one city to another, and from one province to another. This occurred in the years 1730, 1733, and 1740.

[*Latin ed. p. 246*]

Although a disease of this kind, which afflicted all classes and ages of people, might only cause a slow inflammation in the chest, it nevertheless brought about extreme harm to the elderly, who were already weakened by advanced age, for from it followed very acute and deadly fevers. The same disease also endangered the younger people, even those who were only slightly afflicted with chest ailments. Finally, the chests of many were so weakened that very serious consequences resulted. Other diseases of this kind, which cause inflammation of the chest with great danger, have also led the sick to the brink of death, as learned writers clearly testify. And, if medical professors, urged on and strictly warned to say nothing contrary to the truth, unanimously declare (as happened to us ourselves, when we were still in Bologna) that a disease is of such a nature as we have described above, so that no age can be free and safe from it, and they affirm that the same danger threatens even those who are counted among the healthy citizens; moreover, it contributes greatly to combating or avoiding such a plague if both the sick and the healthy abstain from fish and oil, and sometimes also from milk and eggs; I say, if this is the case, then there is undoubtedly sufficient reason, based on experience, and which has always been proven and seems to be provable in the future, that a people, or a city, should not be subject to the precept of abstaining from meat. No difficulty should deter you from consulting the most distinguished physicians. It is also necessary to be careful that they do not fail to testify in writing what they have truly felt; for if this condition is lacking, no authority, whether civil or ecclesiastical, will ever grant the people or the diocese the right to eat meat or dairy products during Lent, since this seems entirely necessary. Furthermore, it is also the case that physicians sometimes, with incredible ease, grant certain citizens an exemption from the Lenten precept, a matter about which you must warn them most seriously, lest they excessively burden their souls; but when the same rule is proposed for all citizens, we ourselves have found them to be difficult, anxious, and concerned. Finally, if they wish to examine what the most distinguished medical authors in Italy and elsewhere have published in books, they will easily find that abstinence and moderation in food are highly recommended by them, that

Translated by churchlatin.ai, a product of Boyne Archives

the distinction between diseases is established, and that certain reasons are shown, that in the treatment of some diseases it is by no means necessary to substitute meat for fish, oil, and herbs; but in others, it is very helpful if, after the meat has been removed, the sick use oil or milk when the fast is indicated. Finally, they will observe how carefully and accurately they write about chest ailments, since in all cases they are warned not to be afflicted by the same disease that has so far kept those who are healthy safe from the common plague.

[*Latin ed. p. 247*]

We have deemed it necessary to inform you of this. Furthermore, we urge you not to readily adopt the practice of dispensing with the use of meat and dairy products during Lent for the entire city or diocese. For it is indeed necessary to abolish this custom, by which, for many years, these foods have been permitted in certain places. Moreover, you will also discover, even those who are delicate and of a softer constitution, that abstinence during Lent causes no harm, nor will more of them be counted among the sick or the deceased for this reason. We ourselves have followed this course and practice in Rome, and in Bologna (whose See we still hold), when the time of Lent was observed recently. If you also do this, you will not easily demand from us the dispensation to abstain from Lent for the entire city or diocese, or (if you deem it necessary) any request for dispensation will be presented to us only if the aforementioned conditions are observed. In this way, not only will the benefits already mentioned be realized, but you will also avoid the shame of making such requests, and you will likewise spare us the annoyance that we endure when we do not fully comply with your wishes. Finally, we embrace you all with paternal affection, and we impart to you and your people the Apostolic Blessing. Given from the castle of Gandulf on the 10th of June, 1745, in the fifth year of our pontificate (4).

(1) It is pertinent to include certain more recent responses of the Holy Apostolic See concerning fasting. These excerpts are taken from the very useful work entitled "On Fasting and Lent, two letters by Giuseppe Righetti, Roman priest, etc.," published again in Rome by the printers in the year 1834. We have attempted to translate these, which are presented in the Italian language, into Latin.

1. To the question: Whether, during the days of fasting, it is permissible to invert the times of meals, by taking a late snack before the tenth or eleventh hour of the morning, and postponing lunch until the fourth or fifth hour of the afternoon; the Sacred Penitentiary, on January 10, 1834, judged that, if there is a reasonable reason for such an inversion, those who use this practice should not be disturbed.

2. To the question: Whether the head of a family, for whom there is someone in the same family who has been granted permission to eat fatty foods, can extend this dispensation indiscriminately to all the individu-

Translated by churchlatin.ai, a product of Boyne Archives

als of the same family; (that is: Whether the head of a family, to whom permission has been granted to eat meat, can extend that dispensation to all members of the same family); the Sacred Penitentiary, on [date not given], judged that infirmity and any other reasonable impediment, after consultation with both physicians, but not gluttony or a general reduction of expenses, can exempt one from the precept of abstinence on fasting days.

3. To the question: Whether, during Lent, if the head of a family is dispensed from eating meat, and if he cannot or does not wish to prepare two meals, one of meat and the other of Lenten foods, his children and the people in his service can eat meat; (that is: Whether, during Lent, if the head of a family is dispensed from eating meat, and if he cannot or does not wish to prepare two meals, one of meat and the other of Lenten foods, can his children and the people in his service eat meat); the Sacred Penitentiary, on January 16, 1834, judged that it is permissible for those who are under the authority of the father of the family, to whom a legitimate permission to eat meat has been granted, to be allowed to do so.

[*Latin ed. p. 248*]

ENCYCLICAL LETTER IV. ON THE SUPPORT OF THE MASS. How much care must be taken to ensure that the holy sacrifice of the Mass is celebrated not only with all religious devotion and reverence, but also so that the faithful are provided with suitable food, with the condition that permissible and prohibited foods are not mixed, and that those who are required to fast consume only one meal a day.

4. To the question: Can those who are dispensed from fasting due to the exercise of laborious arts, during the season of Lent, when the dispensation to eat meat and dairy products is granted (for a single meal), consume meat and dairy products as often as they need to eat during the day, just as on Sundays during the same Lent when fasting is not obligatory? (That is: Can those who are excused from the precept of fasting because of laborious work, during the time of Lent, when it is permitted to eat meat and dairy products (for a single meal), eat meat and dairy products as many times as they need during the day; in the same way as applies on the Sundays of Lent when the law of fasting does not apply?). The Sacred Penitentiary, on January 16, 1834, by order of the blessed memory of Pope Pius VII, responds that the faithful who, by reason of their art or labor, are not required to fast, may, during Lent, when the dispensation is granted, lawfully eat meat or dairy products, according to the same dispensation, as often as they eat during the day.

5. To the question: Whether those who are not required to fast due to age or labor are subject to the law prohibiting the mixing of meat and fish, when meat is permitted by dispensation; The Sacred Penitentiary, on February 18, 1834, responded: Consult approved authors.

6. To the question: A confessor asks Your Holiness whether, for those

Translated by churchlatin.ai, a product of Boyne Archives

who are dispensed to eat meat on Fridays and Saturdays during the year, when there is no obligation to fast, the mixing of foods is permitted, notwithstanding the response given by Benedict XIV to the Archbishop of Saragossa through the Secretariat of Memorials on January 5, 1755; (That is: A certain confessor asks Your Holiness whether, for those who are dispensed to eat meat on Fridays and Saturdays throughout the year, in which there is no obligation to fast, the mixing of foods is permitted, notwithstanding the response of Benedict XIV to the Archbishop of Saragossa through the Secretariat of Memorials on January 5, 1758); The Sacred Penitentiary, on February 15, 1834, after carefully considering the question and after reporting it to the Most Holy Pope Gregory XVI, by order of His Holiness, responds: It is permitted.

7. To the question: Whether, during the days of fasting prescribed by Pius VI during Advent, when dairy products are permitted, the mixing of meat and fish is prohibited; The Sacred Penitentiary, on January 8, 1834, responded: Affirmative, indeed, such mixing is not permitted.

8. To the question: Whether the law prohibiting the mixing of foods includes dried fish, commonly known as cured meats, that is, anchovies, tuna, caviar, herring, and similar products (That is: in French: anchovies, salted tuna, caviar, herring, tarantulas; in German: Sardellen, Thunfisch, Kaviar, Haeringe, Taranteln), or whether they can be mixed as a seasoning for another dish; The Sacred Penitentiary, on January 16, 1834, responded: Dried fish... may be mixed with meat, whenever the mixing of meat and fish is prohibited.

9. To the question: Whether, during the time of fasting to which the consumption of meat is permitted, it is permissible to mix marine shellfish, which are improperly called fruits of the sea, but are commonly considered fish, that is, oysters, clams, mussels, scallops, crabs, etc. (That is, in French: oysters, tal-

[*Latin ed. p. 249*]

No one who is a follower of the Catholic faith is ignorant of the fact that the conditions, agreements, and sometimes even the demands and uncharitable practices regarding alms, rather than the dignity of the sacrifice itself, are often removed, and that these things are either very close to, or certainly stem from, the simoniacal vice or some other shameful greed.

However, to our great sorrow, we have learned that the avarice of some, whether clergy or laymen, which is a form of idolatry, has progressed to the point where they collect alms or stipends for the celebration of Mass, according to local customs or the decrees of diocesan synods, to provide for the sustenance of each priest, as prescribed for the opportunities of the region. Yet, they arrange for the Mass to be celebrated elsewhere, where the alms or stipends, whether by custom or by synodal law, are of a lower value for each Mass than they are where they are received.

Translated by churchlatin.ai, a product of Boyne Archives

Everyone clearly understands, and there is no need to think otherwise, that this is completely contrary to the expressed or implied will of those who piously offer their alms; for each person wishes to have the Mass celebrated in the place where they are led by the incentives of religion and piety to offer their alms, even if someone is perhaps buried there, rather than in another church that is completely unknown to them.

This practice, which is akin to merchants acting out of a desire for dishonest profit, is not only suspected of avarice and vice, but also of the crime of theft, and therefore requires restitution. As a result, many good people, upon learning of this kind of practice, are greatly offended and refrain from offering alms for the celebration of Masses.

Our predecessors, the Popes, who detested this deplorable abuse, which was gradually spreading, decreed that certain items, such as: *congregations, patelles, scrovisses, etc.* (in German: oysters, mussels, scallops, crabs, etc.), should not be used in the liturgy.

The Sacred Penitentiary, on January 18, 1834, responded: "Marine shellfish, which are improperly used as substitutes for meat on certain days, are commonly considered to be 'places' (i.e., not meat), and therefore may not be mixed with meat when the mixing of meat and fish is prohibited."

10. To the question: "Can those who are dispensed from the quality of food consume only broth on fasting days to promote their health, and eat the rest of the usual foods to observe the law of abstinence as much as possible?" The Sacred Penitentiary, on February 8, 1838, after considering the above, responded affirmatively.

11. To the question: "If someone is bound by abstinence, can those who have been granted an indulgence for the use of clarified fat (commonly known as lard) use that fat in their meals, even on days of abstinence?" The Sacred Penitentiary, on January 18, 1834, responded: "If someone is bound by abstinence, they may use, in their meals, even on days of abstinence, the condiments that are permitted by the indulgence, provided that the indulgence does not stipulate that these condiments may only be used in a single meal."

[*Latin ed. p. 250*]

The Most Holy Roman Church, through its universal Inquisition against heretical depravity, and the Congregation of Cardinals of the Council of Trent, has decreed that no priest shall be able to receive a stipend or alms of greater value for the celebration of the Mass than another priest who is to celebrate a similar Mass, even if the priest who is celebrating the Mass and who has accepted the larger stipend or alms indicates that he has received such a larger amount. Therefore, venerable Brothers, to whom we are joined in the service of the apostolic ministry and of our solicitude, we implore you, and most earnestly in the Lord, to be vigilant over your flocks,

Translated by churchlatin.ai, a product of Boyne Archives

that this pestilence may not spread further, but may be utterly extinguished. For from avarice, as from a root, all evils spring forth, by which some, desiring it, have strayed from the faith and have subjected themselves to many sorrows. Indeed, there is no more powerful contagion than avarice, which more infects and destroys the opinion of priestly dignity and perfection among all. Avarice, teaching men to put God aside and to serve mammon, causes it so that the avaricious shall have no inheritance in the kingdom of Christ and of God. If this is scarcely tolerated in laymen, and therefore must be restrained by laws, what then in ecclesiastical men, who have proclaimed worldly things, who have been called to the Lord's service, who have been dedicated to God? What, if they are driven to avarice with such eagerness, not through worldly gain, but through the ministry of the altar, and with contempt for the most sacred laws, and with dishonor to the priestly character? Therefore, venerable Brothers, to whom the care of Christ's sheep has been entrusted, strive not only to be an example in word and deed, so that Christ may be a sweet fragrance in every place, so that the people may follow your footsteps; but also, to turn ecclesiastical men first, and then laymen, away from the infected pastures of vice, and to teach them to run to the fold of the Church through the way of God's commandments. Now, since it has been arranged that the present penalties may more easily be obeyed through salutary warnings, let it be known to all by an edict to be posted in your dioceses, that whoever collects alms or stipends of greater value for the celebration of Masses, as local customs or synodal statutes require, and then celebrates Masses, retaining a portion of the alms or stipends received, or celebrating them elsewhere, where smaller stipends or alms are given for the celebration of Masses, shall, in the case of a layperson or secular person, incur, besides other penalties at your discretion, the penalty of excommunication; and in the case of a cleric or any priest, the penalty of suspension by this very act; and that no one shall be absolved by anyone other than ourselves, or the Roman Pontiff for the time being, unless in the article of death. We are confident in the Lord that each one, remembering his condition, will henceforth behave well.

[*Latin ed. p. 251*]

May they desire the salvation of their souls, and may they not consider the salutary laws and ecclesiastical regulations to be of little importance. We earnestly impart to your fraternities our apostolic blessing, which may abound for the people entrusted to your care. We wish that, through copies of these letters, whether handwritten or printed, signed by the hand of a public notary and sealed with the seal of a person of ecclesiastical standing, the same full faith be given to them in judgment, both within and without, as would be given to these present documents if they were exhibited or shown. Given in Rome, at the Basilica of Saint Mary Major, under the seal of the Fisherman, on the thirtieth day of the month of June, in the year one

Translated by churchlatin.ai, a product of Boyne Archives

thousand seven hundred and forty-one, in the first year of our pontificate.

ENCYCLICAL LETTER V. CONCERNING THE PAROCHIAL AND CONVENTUAL MASS, AND ALSO REGARDING DIVINE PSALMODY.

Since we gladly embrace the opportunities offered to us to direct an apostolic letter to your fraternities, so that the arguments of our sincere love for you may frequently shine forth; and all the more so when we are moved by the present circumstances or conditions of things, to arouse the zeal of your fraternities for the preservation of proper discipline in the clergy entrusted to your governance. For we are confident that we can bear the burden of the solicitude of all the Churches only if we repeatedly commend the increase of divine worship, and the careful observance of ecclesiastical regulations in each diocese, through the diligent care of religious pastors.

Furthermore, this occasion and argument for writing this letter to you is primarily given to us by that burden which rests upon all those who care for souls: namely, the application of the parochial Mass for the people entrusted to their care; then also the application of the conventual Mass, which is to be offered for the benefit of those in general by those who sing Masses in patriarchal, metropolitan, cathedral, and collegiate churches; and finally, the duty of chanting, by which the canons of the aforementioned churches are bound when assisting in the choir.

Indeed, this argument is not new, but has been frequently treated by writers; and since these matters have been repeatedly discussed and decided upon in the Congregations of this most holy City of ours, and especially in the Congregation of our venerable brothers, the Cardinals of the Council of Trent, in whose secretarial office we ourselves, when formerly appointed to minor duties, performed our functions for many years; although the decrees of those same Congregations are mostly...

[*Latin ed. p. 252*]

Concerning those matters, and those which are consonant with ourselves, and some of whose decrees have even merited the approval and confirmation of our predecessors, the pontiffs; it would be the least surprising if the knowledge of these had not yet reached each and every one of you. Therefore, we have deemed it not only fitting, but also necessary, to write this Encyclical Letter to you, through which, by removing entirely the variety of opinions into which the writers have strayed, the constant judgment of this Apostolic See regarding the aforementioned matters may be made known to everyone, and a certain norm and rule may be provided to your fraternities, according to which your synodal and other assemblies may direct their constitutions, ordinances, or decrees concerning the matters mentioned above, the publication of which we enjoin upon you. Furthermore, you must strive with all due diligence and vigilance to urge the execution of these matters, according to those things which we prescribe and which must be observed and maintained in the

Translated by churchlatin.ai, a product of Boyne Archives

present document, so that you may be least doubtful that appeals to the tribunals of this our court might hinder or delay the implementation of your statutes; appeals which we absolutely reject and forbid: therefore, we wish these very letters of ours to be preserved in the records of each tribunal, and we command that the resolutions of those tribunals, as well as the judgments concerning your decrees, which you will publish in accordance with the present document, be examined and compared with them. Indeed, as we recently stated, the holy sacrifice of the Mass must be applied by pastors of souls for the benefit of the people entrusted to their care, as if descending from a divine precept, which is clearly expressed by the sacred Council of Trent, session 23, chapter 4, on Reform, with these notable words: "Since it has been commanded by divine law that those to whom the care of souls has been entrusted should offer sacrifice for their flock, and since it is fitting that the same pastors should offer the same sacrifice for the people to whom they minister, it follows that they should apply the fruit of the same sacrifice for the benefit of those to whom they minister." And although there have been those who, through empty and frivolous interpretations, have sought to remove or at least diminish the obligation mentioned by the holy Council, since the words of the Council are sufficiently clear and evident, and since the aforementioned interpretation of the same Council has been constantly maintained; those to whom the care of souls has been entrusted are not only obliged to celebrate the sacrifice of the Mass, but also to apply its fruit for the benefit of the people entrusted to them, and not to apply it for others, or to receive alms for such application; and what is more important, since this understanding has been approved and confirmed by our predecessors, the Roman Pontiffs, there is nothing more that you should desire, but that you should embrace it and obey it, and that you should diligently strive to ensure its prompt execution in your respective dioceses. And yet, we, who, as we mentioned above, are still concerned with lesser matters,

[*Latin ed. p. 253*]

For many years, we have observed those who, holding the office of secretary of the aforementioned congregation of the Council of Trent, have employed interpreters; and we have frequently encountered others, some in the cathedral of Ancona, and others in the metropolitan city of Bologna, our most beloved homeland, with whom we are still in contact; I say, therefore, that we are not unaware of the various pretexts by which some seek to evade the fulfillment of the aforementioned obligation, and it is therefore fitting for us to address these matters. For the sacred Council of Trent, lest the care of souls be neglected, commands that the bishops, in each place, whenever it is necessary, choose and appoint suitable vicars, with the assignment of certain fruits, to exercise that same care, as can be seen in session 6, chapter 2; session 7, chapter 5 and 7; session 24, chapter 6;

Translated by churchlatin.ai, a product of Boyne Archives

session 25, chapter 46. Furthermore, it often happens that, when a parish church is vacant, a vicar must also be appointed by the bishop to fulfill the duties of that church, until a new pastor is elected, as the same Council of Trent commands in session 24, chapter 28, concerning reforms. Some of these vicars attempt to exempt themselves from the aforementioned obligation, either because, while another or others have habitual care, they only exercise actual care; or because they are removable at the will of others; or because they are only temporarily engaged in this care; and let us not speak of regular pastors, who are sometimes seen to distance themselves from the aforementioned application for the benefit of the people. Therefore, our opinion and judgment, as has also been judged and determined on several occasions by the aforementioned congregations, is that all and each who actually exercise the care of souls, and not only secular pastors or vicars, but also regular pastors or vicars, in a word, all and each of those mentioned above, and others who, even specifically and individually, are worthy of mention, are equally bound to apply the parochial Mass for the benefit of the people, as is fitting, having been entrusted with their care. Some, however, often allege that they do not have sufficient revenues from their parish to fulfill this obligation; others finally resort to long-standing custom, claiming that it has never been the practice, either for themselves or for their predecessors, for a very long time, which they claim is beyond memory. We extend our approval and confirmation to the preceding resolutions of the aforementioned congregation of the Council; and, as it is necessary, by the authority of the apostolic see, by these present words, we decree and declare that, although pastors, or others as mentioned above, who have the care of souls, may lack appropriate revenues, and although an ancient or even long-forgotten custom may prevail in their dioceses or parishes, whereby the Mass is not offered for the benefit of the people, nevertheless, they must, nonetheless, apply it for the people in the future. However, having said that all who have the care of souls must offer the sacred Mass—

[*Latin ed. p. 254*]

Concerning these matters, and those which are consonant with ourselves, and whereby some of them have even merited the approval of our predecessors, it is, however, by no means surprising that I have not yet written this letter to you, not only because it is opportune, but also because it is necessary. Through this letter, I, your servant, shall set forth the opinions of this Apostolic See concerning the aforementioned matters and concerning your fraternities, so that they may serve as a kind of standard, according to which your synods and other assemblies may deliberate concerning the enactments or decrees which you wish to publish. Furthermore, we prescribe that the execution of these matters must be carried out with justice, and that you must strive to urge it forward

Translated by churchlatin.ai, a product of Boyne Archives

with diligence and vigilance, lest recourse be made to the tribunals of this Our court, which must, of course, be rejected. We wish that these very letters be presented to the tribunals of individuals, and that judgments be demanded and rendered concerning their compliance with the prescriptions contained therein, as well as concerning your decrees, which you yourselves will be publishing. Indeed, as We recently declared, the application of the sacrifice of the Mass must be made by pastors of souls for the benefit of those for whom it is offered, as if it were a divine precept. The Synod clearly expresses this in session 23, chapter 4, with the following words: "Since the care of souls has been entrusted to us by divine command, We offer the sacrifice for Our sheep." And although some may have attempted to interpret this obligation in such a way as to remove or at least diminish the importance of the Mass, the words of the Council are sufficiently clear and evident; the Council itself has constantly affirmed that those who offer the sacrifice of the Mass must, not only for the benefit of the people, offer it for others as well. This has also been confirmed by Our predecessors in Rome. Therefore, We do not permit the obligations and decrees mentioned above to be set aside. Therefore, We urge you to ensure that those who are to celebrate the feasts for the people are diligent in fulfilling their duties, as is necessary for the salvation of their friends and neighbors. It is clear that this can be done in such a way that those who are aware of the needs of their friends and neighbors will offer the Mass for them, as is prescribed by the Council. The aforementioned Council also states that it is necessary to hear and announce to the people what is prescribed concerning the feasts.

[*Latin ed. p. 255*]

Regarding the obligation of hearing Mass on festive days, and concerning the exemption from certain duties on those days, we have sufficiently recognized that certain individuals, through their occupations, are compelled to work for the benefit of the people; others, entrusted with the care of souls, are appointed to certain offices; and in some places, it often happens that, due to circumstances, these individuals must remain occupied, so that it would seem severe to demand that they attend Mass. Therefore, moved by the greatest compassion for these individuals, and wishing to offer them counsel, we declare that, although those mentioned are bound to celebrate and attend Mass on festive days, nevertheless, we grant to those among you whom you truly know to be in such a condition, the faculty, even on festive days, to receive Communion by choice, and to offer the sacrifice for themselves, freely and lawfully, and to participate in the communal Mass, provided that they apply the Communion for the benefit of the people, as often as the opportunity arises, according to what the benefactor has offered. To the vicars and stewards of churches, according to the Council of Trent, Session 24, chapter 48, we grant the faculty to appoint

Translated by churchlatin.ai, a product of Boyne Archives

and designate individuals, assigning them a portion of the fruits; it will be your duty to ensure that those who are in need of such assistance are provided for, so that they may be able to fulfill the obligation of attending Mass on festive days. Therefore, a portion of the fruits should be allocated for the benefit of...

[*Latin ed. p. 256*]

We have not wished to decree that the same Mass, or those celebrated daily, or as often as they may be, must be offered for the benefit of the people. Indeed, the most holy Council of Trent, in session 23, chapter 14, directs that Bishops should see to it that priests celebrate Mass at least on Sundays and on solemn feasts; but if they have care for souls, they should celebrate Mass as often as is necessary to fulfill their duty. Furthermore, we know that in many synodal constitutions of Bishops, certain days have been established on which pastors of souls must celebrate Mass. However, we have undertaken to decide only one thing in the present instance, namely, when they are obliged to celebrate and offer the Mass for the benefit of the people; and although we are aware that it has been answered by the Congregation of the Council that a parish priest with ample income should celebrate and offer the Mass daily for the people, while he who does not enjoy such ample income should perform the same on feast days only: since, moreover, controversies have arisen concerning this very matter, namely, to what extent the revenues of a parish church must amount in order to be called ample and abundant; and since also the complaints of many against such a decree are known to us, as if it were too rigid and unfair: therefore, we consider it opportune to declare to the religious Orders that we are abundantly satisfied, and that it will suffice for you, provided that those who have care for souls celebrate and offer the sacrifice of the Mass for the people on Sundays and on certain feast days throughout the year. For these are the days on which, according to the decree of the Council of Trent, in session 5, chapter 2, and session 24, chapter 4, every pastor of souls is obliged to nourish the people entrusted to him with salutary words, teaching them those things which all must know for their salvation; and these are the days on which the same holy Council decreed that the Bishop should diligently exhort the people to ensure that each member of his parish attends, where it is possible, to hear the word of God, and on which the pastors should instruct their subordinates in the Christian faith, according to what is prescribed to the Bishops in the aforementioned Council, in chapter 4; namely, that at least on Sundays and on certain feast days, the children in each parish should be diligently taught the fundamentals of the faith, and reverence for God and their parents, by those to whom this duty has been assigned. And because, in some dioceses, the number of feast days is reduced, by our authority and with the consent of the Apostolic See, to the extent that, in some feasts, the faithful must both attend Mass and abstain

Translated by churchlatin.ai, a product of Boyne Archives

from servile labor; in others, truly—

[*Latin ed. p. 257*]

It is permissible to perform servile works, provided that the obligation of hearing Mass and offering sacrifice remains; we, in order that all doubts concerning the obligation of attending the parish Mass on such festive days may be completely removed, decree and declare that, even on those festive days on which the people are obliged to attend Mass, all those who are engaged in the care of souls are bound to celebrate and apply the Mass for the people. Because, moreover, we have sometimes learned from our own experience that there are some parish priests who are so poor that they are almost forced to live from the alms which they receive from the faithful for the celebration of Masses; and that those who, when the parish church is vacant, are appointed to the care of souls under the title of vicars or administrators, are in some places treated so ungenerously, that the small income assigned to them, and the few uncertain revenues available to them, are scarcely sufficient to meet the necessities of their lives; and that it often happens to those who, in some churches, while others remain in habitual charge, are only actually engaged in ministry, that they are treated too severely if they are forbidden to receive alms for the application of the Mass on festive days, when such an opportunity is particularly offered: Therefore, deeply pitying the poverty of these and those, and wishing to help them as far as it is right for us to do; although, as stated above, all and each of the aforementioned are bound on festive days to celebrate and apply the Mass for the people; nevertheless, with regard to the aforementioned poor parish priests, we grant to each of you the faculty of suitably dispensing with them, so that, even on such festive days, they may freely and lawfully receive alms from a pious benefactor, and apply the sacrifice for him, as he may require; provided that they celebrate the Mass in the parish church for the necessary benefit of the people; and yet, with the added condition that they apply as many Masses for the people within the week as they have offered, within the same week, according to the particular intention of another pious benefactor. And with regard to vicars or administrators of vacant churches, since, according to the sacred Council of Trent, cited, session 24, chapter 48, each bishop is granted the power to appoint and establish them, with a suitable assignment of a portion of the fruits, according to his judgment; it will be your duty, venerable brothers, to act with those who demand the fruits of the vacant churches, so that a suitable increase may be granted to the needy vicar, who enjoys a small assignment of these certain fruits, and a few uncertain revenues, for the burden of celebrating and applying the Mass for the people on festive days. Therefore, for those places in which the fruits of vacant churches are for the

Translated by churchlatin.ai, a product of Boyne Archives

benefit of the Chamber of Our Apostolic See,

[*Latin ed. p. 258*]

It is required that the appropriate instructions be given to the treasury of our general administration, so that it may notify the particular collectors of the aforementioned places, as well as the bishops of our diocese and other places, in which, as is stated, the fruits of vacant churches belong to the aforementioned treasury, that they must fulfill their duties to that end, as we have said above. And finally, concerning those who, as vicars, whether perpetual or temporary, administer the care of souls in churches belonging to others, such as a parochial church, and which are united to their churches, or monasteries, or colleges, or pious foundations; although a certain portion of the fruits of such churches was assigned to these vicars by our predecessor, the Most Holy Pope Pius V, as is clearly stated in his constitution, which begins with the words "Ad exequendum," dated November 9, 1617; nevertheless, if it is found that the prescribed portion of the fruits has not been, or is not fully, assigned to the aforementioned vicars, or even if that portion which has been assigned to them according to the aforementioned constitution is deemed insufficient by you, due to the circumstances of the times, and especially for the purpose of providing for the celebration and application of Mass for the people on holy days of obligation; you must use the authority which the Synodus Tridentina granted to the bishops in session 7, question 7, when it permitted them, at their discretion, to assign a suitable portion of the fruits to the aforementioned vicars, according to the circumstances of the times and the burdens imposed. For this reason, we also provide to our fraternities all necessary and appropriate endowments, along with all appellations, privileges, or exemptions, as is sanctioned in the same Council, which do not detract from what you have prudently established. Therefore, we have judged it necessary to establish these things concerning the parochial Mass, and to notify our fraternities thereof. And proceeding from these matters to those which pertain to the conventual Mass, we do not believe that any of you are unaware of the sacred canons, which prescribe that in patriarchal, metropolitan, cathedral, and collegiate churches, the canonical hours must be recited in due manner and form, and that the conventual Mass must also be celebrated; these matters are so clear that no doubt can arise concerning them, and the resolutions issued repeatedly by this venerable congregation of our Brothers, the Interpreters of the Council of Trent, are equally clear and uniform in this regard, and we confirm and approve them all with our apostolic authority, urging you to diligently carry them out, so that the conventual Mass, which is sung daily by the clergy of the aforementioned churches, may be applied daily for the benefit of those who contribute to it, in the very same way in which the parochial Mass is celebrated by those who administer the care of souls, for the benefit of the people entrusted to

Translated by churchlatin.ai, a product of Boyne Archives

them, at least on holy days of obligation.

[*Latin ed. p. 259*]

We have already explained how this application [of the Mass] is to be understood. Therefore, take care to eliminate the false opinion that we know exists in some churches, either through malice or, perhaps, through error: namely, that a conventual Mass offered for a particular benefactor of the church, or out of gratitude, or in fulfillment of an obligation, is considered to fully satisfy the obligation of the conventual Mass. Indeed, this obligation does not pertain to specific, individual benefactors, but to benefactors in general, that is, to all those who are devoted to the service of the church, whether they hold dignities, or canonries, or prebends, or choral benefices, and who celebrate the conventual Mass in their respective turns. Do not, therefore, approve of the opinion of those who believe that the aforementioned obligation is sufficiently fulfilled by occasionally offering prayers for benefactors in their churches, or by performing sacrifices for them on certain days. For no one should presume to satisfy the imposed obligation in any way other than that which has been repeatedly prescribed by ecclesiastical law: namely, by celebrating the conventual Mass each day for the benefactors, and by applying that same Mass for them in general. Indeed, not only in the earlier centuries of the church, but even in times not long past from our own age (which we do not doubt you have learned from church history), it was once the practice in each church to maintain a careful record of all and each of those whose generosity had contributed to its growth, and their names were recorded in sacred books (which they called *diptychs*), so that their memory would never be lost, and so that prayers would be offered for them, and also the sacrifice of the Mass would be offered. For this reason, the aforementioned catalog was also customarily placed before the eyes of the celebrating priest in many churches, even though those pious benefactors had made no explicit agreement for themselves in their donations, but had declared that they were offering their goods to God only for the remission of their sins. The prelates of churches, indeed, have considered it necessary to order prayers to be offered for them: although they themselves, offering their own goods, had said nothing about it. The use of such sacred *diptychs* has gradually declined; and therefore, the names of many benefactors lie forgotten. But for that reason, it is not permissible to abandon the practice and discipline of praying for them, and of offering the sacrifice of the Mass for them. And from this, the precept of applying the conventual Mass for benefactors in general derives its origin and its reason. Just as, speaking of the parochial Mass, we said above that various excuses are commonly offered to avoid applying it for the people on holy days by order, so likewise, excuses are commonly offered regarding the daily application of the conventual Mass

Translated by churchlatin.ai, a product of Boyne Archives

for benefactors.

[*Latin ed. p. 260*]

These [exemptions] are also, like the former ones, provided for by opportune resolutions of the Congregation of the Council of Trent, which we therefore approve and confirm in this instance as well. Some, indeed, have persuaded themselves that they can be excused from this obligation, citing the existence of a contrary custom, even one of long standing, in their own Church. But it has already been answered repeatedly that no custom, even if ancient, which is rather to be called an abuse and a corruption, can be valid. Others have wished to excuse themselves from offering the Mass for the benefit of benefactors in general, arguing that they are burdened with other Masses, either by reason of their own canonry or of another ecclesiastical benefice which they hold together with the canonry; or because, besides the office of canon, or beneficiary, or residentiary in the cathedral or collegiate church, if they also exercise parochial care in the same or another church, and are required to sing the conventual Mass on feast days, they must apply it for the people entrusted to them, and therefore cannot offer the same Mass specifically for the Church and its benefactors. But provision has been made for these as well, by ordering each of the aforementioned to apply the conventual Mass which they sing for the benefactors of the Church in general, and to substitute another Mass for those for whom they are specifically required to offer a Mass, so that someone else may celebrate and apply a Mass in their place. Others also raised the objection that the conventual Mass is not always celebrated by canons or dignitaries, but sometimes also by beneficiaries or residentiaries, whom it seems less appropriate to require to lack all alms for the celebration of the Mass, and from which they can obtain them. But provision has also been made for this, by ordering that they be obtained from the mass of distributions. Finally, others pointed out the inadequacy of such distributions, which, because of the daily alms withdrawn for the conventual Mass, would be reduced to almost nothing, and would scarcely be sufficient to provide for the needs of the Mass, to the great detriment of the service rendered to the Church. Indeed, the Council of Trent, in Session 24, chapter 45, showed opportune reasons by which the poverty of canonries can be provided for. If, however, the designated path by the Council cannot be followed, as often happens, then recourse must be had to the Congregation of the Council, which, having carefully considered the state of affairs from your reports, and by the authority of our predecessors, and by us also in the present document, will confirm the daily application of the conventual Mass for the benefactors in general, as for others, to feast days only. It is also prescribed for patriarchal, metropolitan, cathedral, and collegiate churches

Translated by churchlatin.ai, a product of Boyne Archives

that the conventual Mass be celebrated daily in

[*Latin ed. p. 261*]

It is prescribed in the same manner, but also in the general rubrics, of which we commend the most accurate observance to your Congregations, that on certain days, not one, but two, and sometimes even three, conventual Masses should be celebrated on the same day. Therefore, since we have recently stated that the first conventual Mass should be celebrated daily for the benefit of benefactors, in general; it now remains to be determined whether the chapters of those churches, subject to your respective jurisdictions, are obliged to apply other Masses as well, if more than one should be celebrated, for the benefit of benefactors in general, as is sometimes the case. This question has been proposed to our venerable Congregation of Brothers, interpreters of the Council of Trent, by some of you who are zealous in ecclesiastical matters. And it has already been determined by the same Congregation that an exemption may be granted from the obligation of applying the second and third conventual Masses for the benefit of benefactors in general, considering the tenure of canonries and benefices; from which it could be inferred that the obligation of such application remains, where the case of poor churches is not being considered. However, since we know that the rule for resolving this question, among the aforementioned Congregation, is not firmly established by long-standing observance, and since the same Congregation has recently deemed it necessary to submit the solution of this doubt for our judgment; We judge as follows, and we declare this to you, that those who spontaneously apply the second or third conventual Mass for the benefit of benefactors in general are to be praised and encouraged; but those who do the same by force of custom in their respective churches are to be instructed to persevere in that custom. Where, however, such custom is not found to exist, those who celebrate the second and third conventual Masses are to be freely allowed to do so, provided that they do not forget to offer a prayer in memory of the deceased and for the benefit of the church's benefactors in general. Finally, bringing this letter to a close, we earnestly exhort your Congregations to devote the utmost care and diligence to this matter, so that in the choirs of your churches, in addition to the devout celebration and proper application of the conventual Mass, the canonical hours may not be neglected, but rather be sung exactly, with a suitable pause, and with the greatest reverence and piety, as is fitting. Indeed, we know that in some metropolitan and cathedral churches, it has been the opinion of some that they sufficiently fulfill their duty if they are present with the choir, even if they remain silent, and do not join in the singing with the beneficed or lay clerks. But in support of this opinion, they often cite long-standing customs, special statutes, or even alleged privileges of their churches. However, the Council

Translated by churchlatin.ai, a product of Boyne Archives

of Trent, in session 24, chapter 12, speaking of...

[*Latin ed. p. 262*]

It is declared that one of the duties of those holding offices of dignity, and of the canons, who ought to attend the choir, is to, when present in the choir for the purpose of chanting, reverently, distinctly, and devoutly praise the name of God through hymns and canticles; and since there are only a few chapters in which the canonical choir provides such assistance in this manner, and therefore those practices are few that are recognized throughout the Church; and moreover, this opinion has never been examined in the assembly of the Council of Trent, but has been immediately refuted and rejected; although it is supported by presumed customs, and other foundations, and reasons, and even by the insistence of the canons of the patriarchal churches of this city; finally, the same judgment is found to have been pronounced by several provincial councils, and has been approved and confirmed by this very Apostolic See: it seems that there is nothing left to prevent the majority from conforming to the law.

Indeed, it has not appeared to us in the least that, supported by any special title, certain canons of one church or another believe that they fulfill their duty simply by being present in the choir, without singing the divine psalmody. But unless they possess an apostolic privilege or dispensation, not presumed or abrogated, but legitimate and valid, it is to be feared that those who act in this way may scarcely produce any fruit from their endeavors, and consequently may be obliged to restore what they have taken. Therefore, it will be your duty, venerable brothers, to make all these things clear to them, so that neither we, nor you, may be found to have defrauded the divine Judge, if, in a matter of such importance, namely, one that pertains directly to the worship of God, we should have fostered and confirmed, through our dissimulation and silence, abuses and corruptions that we ought to have exposed and rebuked. In the meantime, we impart our apostolic blessing with the deepest affection to your fraternities, which we embrace with all our heart. Given at Rome, at Saint Mary Major, on the 19th of August, 1744, in the fifth year of our pontificate.

ENCYCLICAL LETTER VI. ON USURY.

It has come to our ears, due to a new controversy (namely, whether certain contracts should be considered valid), that certain opinions have been disseminated throughout Italy, which appear to be contrary to sound doctrine; and we have considered it opportune to offer a remedy, as part of our apostolic office, so that such an evil may not, through the passage of time and silence, acquire greater strength, and so that access to it may be blocked, lest it spread more widely and undermine the still-unharmed cities of Italy. Therefore, we have undertaken this course of action and this

Translated by churchlatin.ai, a product of Boyne Archives

plan, by which the Apostolic See...

[*Latin ed. p. 263*]

The Holy See has always been accustomed to proceed in this manner; indeed, we have explained the entire matter to several of our most venerable Brothers, Cardinals of the Holy Roman Church, who are most distinguished by their knowledge of sacred theology, and by their study and expertise in canonical discipline. We also invited several Regulars outstanding in both faculties, some of whom we selected from among the monks, others from the Order of the Mendicants, and still others from the ranks of the regular clergy. We also appointed a Prelate endowed with both doctorates in law, and who had long practiced in the forum. We set the fourth day of July, which has now passed, as the date for them all to convene before Us, to whom we explained the nature of the entire matter; which we found they had previously understood and considered. After this, we ordered that, freed from all partiality and all cupidity, they carefully examine the entire matter, and write down their opinions. However, we did not ask them to render a judgment on the contract, which had initially given rise to the controversy, since more documents were lacking, which would be necessary for that purpose; but rather, that they establish a firm doctrine on usury, which seemed to cause considerable harm, given what had recently begun to be spread among the people. All obeyed our commands; for they declared their opinions publicly in two Congregations, the first of which was held before Us on the forty-eighth day of July; the second on the first day of August, which are months that have now passed; and finally, they submitted the same opinions in writing to the Secretary of the Congregation. Furthermore, they approved these matters unanimously. I. That kind of sin, which is called usury, and which has its proper place and basis in a loan contract, consists in this: that someone desires to receive back, from the very loan, more than what was received, a sum that, by its very nature, should only be repaid in equal measure; and therefore, he contends that, beyond the principal, some profit is due to him by reason of the loan itself. Therefore, all such profit that exceeds the principal is illicit and usurious. II. Nor will any remedy be able to cleanse this defect, whether it comes from the fact that the profit does not exceed the principal, and is therefore not excessive, but is moderate; not large, but small; or from the fact that the person from whom this profit is demanded for the sake of the loan is not poor, but rich; nor will it be the case that he will leave the sum lent to him idle, but will use it to increase his fortunes, or to invest in new properties, or in ventures that promise great profits. On the contrary, he is proven to be acting against the law of the loan, which necessarily consists in equality of what is given and what is received, if he, once that equality has been established, still dares to demand something more from anyone, by virtue of the loan itself, for which there is already sufficient payment; and

Translated by churchlatin.ai, a product of Boyne Archives

therefore, if he receives it, he will be subject to the obligation of restitution, by virtue of the justice that is due.

[*Latin ed. p. 264*]

I. They call these [contracts] "mixed," and in human agreements, they involve equality and the proper consideration, which must be scrupulously observed, and if not observed, must be fully restored.

II. However, it is not denied that, sometimes, along with a loan agreement, certain other [contracts] may occur, as they say; and that these are not entirely foreign to human nature, but rather are intrinsically connected, and from which something more than the agreed-upon amount can legitimately and lawfully arise, exceeding the amount due and properly paid. Nor is it denied that a person's money can be rightly placed and invested by others of a completely different nature from a loan agreement, either to acquire profitable assets, or even to engage in lawful commerce and trade, and to receive honest profits.

III. It is evident that, in all these diverse types of contracts, if the equality of each party is not observed, whatever is received in excess, or if less is received than is due (whether the excess or deficiency is obvious or concealed), certainly leads to a true injustice, and must be rectified. However, if everything is conducted properly, and weighed in the scales of justice, there is no doubt that a lawful method and reason exists in these same contracts to facilitate human commerce, and to preserve profitable trade for the public good, and to promote it. Let it be far from the minds of Christians to think that profitable commerce can flourish through usury, or similar injustices: for, on the contrary, from the divine oracle itself we learn that "justice exalts a nation, but sin makes a people miserable."

IV. But it must be carefully noted that one will always find someone who, either out of deception or merely out of recklessness, will claim that, along with a loan agreement, there are always other legitimate contracts, or even without a loan agreement, other just contracts, by which, whenever money, grain, or something of that kind is lent to another, it is always permissible to demand a moderate increase, beyond the entire and safe amount. Thus, whoever believes this, will certainly go against the divine teachings, and the judgment of the Catholic Church on usury, and even against common human sense and natural reason.

V. It cannot escape anyone that, in many cases, a person is willing to help another, simply and purely through a loan, especially when the Lord Christ himself teaches, "If anyone wants to borrow from you, do not turn away." And that, similarly, in many circumstances, besides a single loan, there may be no place for any other true and just contract. Therefore, whoever wishes to consult his conscience, must first diligently inquire whether a just contract exists along with the loan, or whether a just contract exists apart from the loan, so that, benefiting from which he seeks profit, he may not

Translated by churchlatin.ai, a product of Boyne Archives

be deceived and misled.

[*Latin ed. p. 265*]

With these words, the Cardinals, Theologians, and most learned men of Canon Law, whose counsel we requested in this most serious matter, express and explain their opinions. We, too, have devoted our private study to the same cause, both before and during the Congregations, and even after they concluded; for we have carefully examined the opinions of these distinguished men, which I have just mentioned. Since these things are so, we approve and confirm all that is contained in the opinions previously set forth; for it appears that all the writers, both of Theology and Canon Law, almost conspire to offer more testimonies from the sacred Scriptures, decrees of our predecessors, the authority of the Councils, and the Fathers, to confirm these same opinions. Furthermore, we have clearly learned about the authors to whom contrary opinions should be attributed, as well as those who seem to foster and defend them, or who appear to offer them an opportunity. We are also aware of the wisdom and gravity with which the theologians of those regions, where the origin of such controversies lies, have undertaken the defense of the truth. Therefore, we have sent these Encyclical Letters to all the Archbishops, Bishops, and Ordinaries of Italy, so that these things may be made known to you, venerable Brother, and to all others; and that whenever you hold Synods, address the people, and instruct them in sacred doctrines, nothing whatsoever may be presented that is contrary to the opinions that we have previously set forth. We also strongly urge that every effort be made to ensure that no one in your dioceses dares to teach contrary things, either in writing or in sermons: but if anyone should refuse to obey, we declare him subject to and liable to the penalties prescribed by the sacred Canons for those who have scorned and violated the apostolic mandates. However, concerning the contract that has given rise to these new controversies, we do not make any pronouncements at this time, nor do we make any decisions regarding other contracts, concerning which the Theologians and interpreters of Canon Law hold divergent opinions. Nevertheless, we believe that your zeal and concern for religion require that you put into effect what we are about to state. First, you must show to your people, in the most serious terms, that the abuse and vice inherent in such contracts are vehemently condemned by the divine laws; for it is true that this vice takes on various forms and appearances, so that it may hurl those who have been redeemed by the blood of Christ into freedom and grace, back into utter ruin; therefore, if they wish to invest their money, they must be very careful not to be swept away by greed, which is the source of all evils, but rather they should seek advice from those who are distinguished above all others for doctrine and virtue. Secondly, those who are so confident in their abilities and wisdom that they do not hesitate to give an opinion on these matters (which, however,

Translated by churchlatin.ai, a product of Boyne Archives

require a not inconsiderable knowledge of sacred Theology and Canon Law), should be...

[*Latin ed. p. 266*]

Firstly, those who are determined to abstain from all dealings that might resemble usury should avoid such transactions altogether; for some judge these matters with such severity that they condemn any expense incurred, no matter how useful, as illicit, as if it were tainted with usury. On the other hand, others are so lenient that they consider any profit derived to be free from the stain of usury. They should not adhere too rigidly to their own private opinions; but before giving a judgment, they should consult more authors, especially those who are considered more learned among them; and then they should adopt those views that are clearly supported by reason and by the authority of distinguished men. If a dispute arises when a particular contract is being examined, no insults whatsoever should be directed against those who hold a contrary opinion, nor should that opinion be condemned with harsh censure, especially if it is supported by reason and by the testimony of eminent men; for indeed, condemnation and injury break the bond of Christian charity, and bring about a very grave offense and scandal to the people.

Thirdly, those who wish to offer themselves as entirely free from any taint of usury, and to lend their money in such a way that they receive only a legitimate profit, should be advised to declare the contract beforehand, to explain the terms and conditions, and to specify the profit they expect to receive from that money. This is of great importance not only to avoid anxieties and scruples of the mind, but also to establish the contract itself in the external forum; it also prevents disputes, which are often stirred up, so that it may be clearly evident whether the money, which appears to have been given properly to another, in reality contains a hidden usury.

Fourthly, we urge you not to give credence to the absurd statements of those who claim that the question of usury is now only a matter of name, since any profit derived from money given to another is considered to be a usury. For we clearly see that this is false and contrary to truth, if we consider that the nature of one contract is entirely different from the nature of another, and that the consequences that follow from different contracts also differ greatly from each other. Indeed, there is a clear distinction between the profit that is legitimately derived from money, and which can therefore be retained in both forums; and the profit that is illicitly obtained from money, and which is therefore judged to be returnable in either forum. It is therefore clear that the question of usury is not raised in vain at this time, because, in fact, some profit is often received from money given to another. We have considered it best to point this out to you, hoping that you will carry out the instructions contained in these letters; and we are confident that you will also seek appropriate remedies, as we believe you

Translated by churchlatin.ai, a product of Boyne Archives

will, if, for this reason, any difficulties arise in the courts.

[*Latin ed. p. 267*]

New controversies concerning usury may agitate your congregations, or corrupt practices may be introduced to undermine the purity of sound doctrine: therefore, having entrusted you and your flock to our care, we impart the apostolic blessing. Given in Rome, at Saint Mary Major, on the first of November, 1745, in the sixth year of our pontificate. ENCYCLICAL LETTER VII. CONCERNING SECRET MARRIAGES. We do not doubt, venerable Brothers, that it has always been the vigilant concern of the pious Mother Church to ensure that the sacrament of marriage, which the Apostle calls "great," be publicly and openly celebrated by the faithful. In order that this might be observed more diligently than it had been in the past, the holy Council of Trent, following the footsteps of the Lateran Council celebrated under Innocent III, decreed that, in the future, before a marriage is contracted, each of the contracting parties must, for three consecutive days of festivity, publicly announce it three times in the church, between the solemnities of the Masses; and then, if no legitimate impediment is present, the marriage must be duly celebrated in the face of the church, before the parish priest, or another priest with the permission of the parish priest, or ordinary, in the presence of two or three witnesses. Furthermore, the same holy Council decreed that a register should be diligently kept with the parish priest, in which the names of the spouses and witnesses, as well as the day and place of the marriage, are recorded. However, these well-intentioned laws, instituted with such salutary authority, have gradually begun to decline and have almost been rendered ineffective, due to the excessive prevalence of marriages that are celebrated secretly, so that their knowledge is, as much as possible, erased, and they are perpetually buried in the darkness of ignorance. Indeed, it has become the practice to celebrate them without any prior announcements, before only the parish priest, or another priest with his permission, with the presence of only two witnesses suitably chosen by the contracting parties, whose trustworthiness is not suspected by anyone; and the matter is often carried out outside the church; sometimes even within it, but with the doors closed, or at a time when, with the absence of anyone else, the knowledge of the marriage, apart from the parish priest, the contracting parties, and the witnesses, is entirely hidden from others. How much, one can readily infer, do these secret marriages, which are commonly abhorred by the conscience, deviate from the dignity of the sacrament and from what is prescribed by ecclesiastical laws. From this arise grave...

[*Latin ed. p. 268*]

They have sins, especially those who, after having secretly contracted marriage with one woman, abandoning their first wife, deceived with false

Translated by churchlatin.ai, a product of Boyne Archives

hopes of a future marriage, and granted license to live with her in dishonor, openly promise marriage to another. Some, indeed, are so consumed by wicked desires that they dare to contract a second secret marriage after having secretly contracted another, and before the first marriage has been dissolved by the death of the spouse, thus making themselves guilty of the great sin of polygamy. Others have even come to such impudence that, in contempt of this great sacrament, after having secretly entered into a first marriage, and then contracting a second, either publicly or privately, they do not shrink from openly engaging in polygamy. Moreover, how great evils arise from these marriages, which are beyond all measure. For if it should happen that a man must live separately from a woman in order to remove any suspicion of marriage, the accustomed order of life is immediately destroyed, and the words of the Lord are violated: "For this cause shall a man leave father and mother, and shall cleave to his wife, and they two shall be in one flesh." If this order of life is maintained, no one can fail to condemn it, and it will certainly be considered a detestable thing, and a source of scandal. Nor is the expense incurred by the secretly celebrated marriage, which hides in darkness and is unknown to all, compensated. Moreover, even lesser harms are inflicted upon the children. Often it happens that they are abandoned by their parents, and especially by their mother, and are not raised piously or generously; but are left to uncertain fortunes, or even the parents themselves, with a wicked audacity, lay snares for their lives, contrary to the laws of nature. But when such a heinous crime is committed by the parents, those very children, in order to be sustained and educated, are compelled by the very demands of humanity; and yet, those born of secret marriages are deprived of the inheritance of their ancestors, and the enjoyment of their property, for whose possession, although they may claim the rights of blood, they are nevertheless deprived, because of the secret marriages of their parents and the loss of proof of legitimacy and filiation. To this origin of evils must also be attributed the secret marriages contracted by children against the just will of their father; from which very serious inconveniences often arise, which are known to no one. What more? So great has been the wickedness that sometimes those who have been established in minor orders, and who have received pensions and benefices for the purpose of divine worship and ecclesiastical duties, have even retained them after having secretly entered into marriage, and have miserably amassed for themselves storehouses of iniquity. Therefore, this collection of evils should rather be deplored with abundant tears, than explained with a wider pen, since from this apostolic See, all can see the vigilance of our care; and we cannot restrain ourselves from, in our concern, calling upon you yourselves, venerable Brothers, and

Translated by churchlatin.ai, a product of Boyne Archives

arousing your piety and zeal to maintain constant vigilance.

[*Latin ed. p. 269*]

Regarding the flock entrusted to you, which the grievous conditions of these times bring to danger. First, the frequent opportunity of peril makes it more difficult for you to grant dispensations for publications, which those about to be married request in order to have their marriage contracted despite malicious suggestions. How cautiously and diligently you must act in this matter, as the arguments are clearly presented to you by the Council of Trent. For if (says the same holy Synod), there is a probable suspicion that a marriage may be maliciously hindered, if denunciations have preceded; then either only one such notification shall be made, or at least before the parish priest, and with two witnesses present, the marriage shall be celebrated, and then, before its consummation, the notifications shall be made in the Church, so that if any impediments remain, they may be more easily discovered. Furthermore, it is left to the Bishop to dispense in every way regarding the notifications, but this power does not depend solely on the will of the one granting the dispensation, but is restricted by the strict laws of prudence and sound judgment by the Council of Trent; which is the same as requiring a legitimate reason for the dispensation. Likewise, indeed perhaps even greater vigilance is necessary from you, so that after the notifications have been waived, the marriage is not celebrated before the parish priest, or another priest appointed by the parish priest, or by you, with two or three trustworthy witnesses present, so that no knowledge or rumor of the celebration arises. For in order that this may be done lawfully according to the prescriptions of the sacred Canons, it is not enough to have any obvious and common reason, but a grave, urgent, and most urgent reason is required. By the sacred tribunal of our Penitentiary, this power is exercised especially in the case where a man and a woman, publicly living as husband and wife, and about whom no suspicion of crime exists, secretly persevere in concubinage; for everyone will easily see how inappropriate it would be to bring such people back from the state of damnation by the grace of the sacrament, and to compel them to publicly contract marriage after previous notifications. However, we have considered it necessary to present this practice to you, not because dispensation is only appropriate in this case, when others similar, and perhaps more urgent, may exist in which it is expedient to grant dispensation; but because the aspects of your pastoral office should be devoted to diligently investigating the legitimate and urgent reason for dispensation, so that marriages secretly celebrated do not have grievous consequences, which we have recounted with deep sorrow of heart. Therefore, we urge you and strongly advise you, to diligently inquire into the case of those who secretly seek to contract marriage: whether, that is, they are of such quality, rank, and condition that it properly explains their request; whether they are

Translated by churchlatin.ai, a product of Boyne Archives

subjects or aliens; whether they are children of families, whose marriages would be disapproved of by their father; for it would be too foreign to your episcopal office, which you exercise, to easily provide an opportunity for a disobedient son. Whether the case concerns ecclesiastical persons, even those constituted in the lower orders, pensions, and ecclesiastical benefices.

[*Latin ed. p. 270*]

Provided that, so that the detestable retention of those in the state of marriage may subsequently be restrained by appropriate remedies. Above all, let your concern be directed to ensuring that, before a license for a clandestine marriage is granted, the contracting parties present documents of their freedom of status that are clear, undeniable, and free from any fraud, in order to prevent those of dishonest character from incurring the danger of polygamy. As for the minister of the clandestine marriage, we wish that the parish priest of one of the contracting parties be appointed to this office, as he is presumed to be more knowledgeable about the people, experience, and the long use of affairs than any other priest. If, however, any circumstances should arise that seem to require another priest in place of the parish priest, then, for a grave reason, a priest chosen by you should be selected, one who is recommended by his probity, doctrine, and expertise in performing his duties. Nevertheless, to either the minister of one sacrament or the minister of the other appointed by you, it must be strictly enjoined that he not perform the marriage unless he has first, with paternal charity, instructed the couple in the Lord, that the procreation of offspring should be undertaken as soon as possible through the sacred laver of baptism; and that they will render a strict account to Christ unless they acknowledge their children as legitimate, and instill in them virtue and good morals, and allow them to enjoy the temporal goods left by their ancestors, or granted by the wise authority of the laws. After the marriage has been celebrated, whether by the parish priest or another priest, a written document of the event must be presented to the Bishop of that diocese, along with a note of the place, time, and witnesses who were present at the celebration. It will then be your duty to diligently ensure that this document is faithfully transcribed into a separate book, entirely distinct from the other book in which publicly contracted marriages are customarily recorded. Such a book, specially prepared for clandestine marriages, must be kept closed and sealed in your episcopal chancery, and you must only allow it to be presented and opened with your permission, either when it is necessary to describe other marriages of this kind, or when the administration of justice requires it, or finally, when someone with a legitimate interest requests a copy, for whom obtaining proof from elsewhere is not possible. However, be diligent to ensure that, once the matter is concluded, it is again closed and sealed, as before. The testimonies, or attestations, of the clandestinely celebrated marriage, from the parish priest or the priest who performed

Translated by churchlatin.ai, a product of Boyne Archives

the duties of the parish priest, must be written down and presented to you, and they must be transcribed verbatim by a person appointed by you, who is known to all to possess a clear reputation for integrity and probity. However, the testimonies and attestations themselves must be kept in a more secret place, hidden from view. If, from such a clandestine marriage, a child should be born,

[*Latin ed. p. 271*]

Let the same be cleansed by the salutary water of baptism in the Church, in which this sacrament is indistinctly conferred upon other infants. And because it is easy to begin a marriage secretly, and in the book of baptisms no mention is made of the parents, and their names are deliberately omitted, we wish, and expressly command, that the offspring born to those baptized, and to whom the father has passed away, be reported to you by their mother; and this report shall be made either directly by the parents themselves, or by letters written in their handwriting, or by a trustworthy person designated by the parents; so that it may be clearly and certainly known to you that the offspring, born in such a place and time, or with falsely stated names of the parents, is legitimate, even though conceived through a marriage secretly contracted. And indeed, when all these things are known to you, so that they may not escape your memory, they shall be faithfully recorded by you in a book, by him to whom the power to record secretly celebrated marriages has been granted. The book, in which the names of the baptized, and of both parents, are recorded, although it must be distinguished from the other book of marriages, shall nevertheless be kept with the same diligence, and with the same precautions, in the Episcopal Chancery, and sealed with seals, as we have commanded above regarding the careful custody of the book of marriages. Because, indeed, some cannot fail to be present who disregard the voices of their own conscience, and who neglect to obey our commands, let due penalties, according to the manner of the fault, be imposed upon them by you. But since experience has shown us that in such matters, men, turning their eyes to the earth because of human considerations, are slower to act, and are drawn back from the right path, we therefore command that secretly contracted marriages be divulged and made known to you, if it is certainly known to you that a child has been born from a secretly contracted marriage, and baptized with the names of the parents suppressed, without any notice given to you, as is proper, by the parents within thirty days from the birth. But that the contumacious and disobedient, who violate the faith and betray the secret, may not reproach their pastors, it must be diligently ensured by you that, by the parish priest, or by another priest appointed by you for the secret celebration of marriage, the spouses are clearly and openly warned, that by that law and agreement, the secret celebration of marriage is permitted to them, so that the offspring born from it will not only be regenerated by

Translated by churchlatin.ai, a product of Boyne Archives

the sacred baptism, but after baptism will be reported to the Bishop, with a note of the place and time of the administration of the sacrament, and with a true indication of the parents from whom it was born, as has been stated above: otherwise, although the marriage was contracted with the Bishop's secret consent, it will be a trap for the children, and will bring about a grave, and no less burdensome, disgrace upon them. Finally, we wish, and command, that the records of faith, or attestations of secretly contracted marriages, and of children born from them, extracted from the aforementioned books, be kept by you with the utmost care, in the manner stated, so that they may deserve great merit.

[*Latin ed. p. 272*]

They, to what extent other parochial books concerning baptism and marriage have customarily defended. We earnestly urge you, venerable Brothers, to observe this, in this time of calamity, for the common salvation of souls, and for the preservation of ecclesiastical discipline, because of the ever-increasing wickedness of men, which always brings new harms, either to the patient or to the one who fears [God]. Furthermore, in these our letters, we do not wish to withhold those more efficacious remedies, which your prudence will recognize as suitable to combat this evil, which is growing daily, so that you may diligently fulfill your pastoral office. Meanwhile, we impart to you the apostolic Benediction, a witness of our paternal charity and benevolence. Given in Rome, at the Basilica of Saint Mary Major, on the 17th of November, 1744. In the second year of our pontificate.

CHAPTER II. DECREE I. Concerning those who solicit and are accomplices in shameful sins. The Sacrament of Penance, which the holy Fathers aptly call the "ark of salvation" after the shipwreck of lost grace, we, although called by divine Providence to the care of the entire flock of the Lord, are bound to devote all our effort and pastoral concern, lest that refuge, which is granted by divine mercy to those who have lost the innocence of baptism, become a grievous ruin for shipwrecked and miserable sinners, through the deceit of demons and the wickedness of men who pervert the benefits of God; and lest that which is established by God, who is rich in mercy, for the salvation and healing of souls, be turned to their destruction and ruin through the abominable wickedness of certain priests. Not long ago, our predecessor, the blessed Pope Gregory XV, wisely provided against those priests who are deputed to hear confessions, and who solicit [people] to commit shameful and dishonorable acts, through his letters in the form of a Brief, dated in Rome, at Saint Mary Major, on the 30th of August, 1622, in the second year of his pontificate. And subsequently, in successive times, more decrees were issued by the Congregation of our venerable Brothers, the Cardinals of the Holy Roman Church, on the 11th of February, in the year of Our Lord 1661, and by our predecessor, the most reverend Pope Alexander VII, also in a general Congregation held on

Translated by churchlatin.ai, a product of Boyne Archives

the 24th of September, 1665, before him, among other propositions which are alien to and dissonant from the evangelical truth and the doctrine of the holy Fathers, the sixth and seventh were recalled, condemned, and prohibited.

[*Latin ed. p. 273*]

Therefore, carefully considering how important it is that, everywhere, this be observed exactly for the eternal salvation of souls, and how much it pertains to the care of the infirm sheep and to maintaining the honor of the Holy Church of God, that no priests, wickedly abusing the sacrament of Penance, offer to the penitent, instead of a remedy, a wound; instead of a stone, a little stone; instead of a fish, a serpent; instead of medicine, poison; but remembering that they are, by Christ the Lord, appointed presidents and judges of souls, let them administer this most venerable sacrament with that sanctity which is fitting to the sublimity and dignity of the office; and moved by our own will, and with certain knowledge and mature deliberation, we hereby approve and confirm, with the tenor of the present document, the aforementioned letters, and all and each of the decrees mentioned above for their interpretation and declaration, emanating from our apostolic authority, and we add to all and each of them the inviolable strength of apostolic firmness: and also, as it may be necessary, we again entrust and command to all the Ordinaries of all kingdoms, provinces, cities, dominions, and places throughout the Christian world, in their respective dioceses, that they diligently, and setting aside all human considerations, inquire into and proceed against all and each priests, whether secular or regular, in any way exempt, and immediately subject to the Apostolic See, of whatever orders, institutions, societies, and congregations, and of whatever dignity, and eminence, or with any privilege, and indult, who, whether that person be anyone, have, during the act of sacramental confession, or before, or immediately after confession, or on the occasion, or pretext of confession, or even outside the occasion of confession, in the confessional or in another place designated for hearing confessions, or by the pretense of hearing confession there, attempted to solicit or provoke, or have had illicit and dishonorable conversations or dealings with them, by words, or signs, or gestures, or touch, or by writing, then or afterward: and those whom they find guilty in any of these nefarious excesses, let them severely rebuke them with suitable punishments, according to the aforementioned constitution of our predecessor Gregory, which we wish to be understood here as inserted verbatim: and also, if it is necessary, let them again grant the faculty, so that this enormous and injurious offense to the Church of God may not remain unpunished for lack of proof, to proceed with individual witnesses as well, as has already been granted in the aforementioned constitution, provided that presumptions, indications, and other aids concur. Furthermore, let

Translated by churchlatin.ai, a product of Boyne Archives

all and each priests appointed to hear confessions be held and obligated to diligently admonish their penitents, whom they know to have been solicited, as above, according to...

[*Latin ed. p. 274*]

"Regarding the circumstances of cases concerning the obligation to report to the aforementioned Ordinary, the person who committed the solicitation, even if a priest, who lacks the jurisdiction to validly administer absolution, or if the solicitation occurred between confessor and penitent, or if the penitent consented to the solicitation, or gave only minimal consent, or if a long time has passed since the solicitation, or if the solicitation was committed by the confessor, not for himself, but for another person, let confessors be diligent not to administer sacramental absolution to penitents whom they know have already been solicited by another, unless they first bring about the aforementioned notification, indicating the deliquent to the competent judge, or at least promise, and pledge that they will do so as soon as they can. And since certain wicked men are found who, moved by hatred, or anger, or some other improper cause, and incited by the impious persuasions or promises, or flatteries, or threats, or by any other means, disregarding the dread judgment of God, and contemptuous of the authority of the Church, falsely accuse innocent priests before ecclesiastical judges of solicitation: so that such nefarious audacity, and such a detestable crime may be restrained by the magnitude of the penalty, let whoever commits this abominable offense, either by falsely accusing innocent confessors themselves, or by wickedly seeking to have it done by others, be deprived forever of the power to obtain absolution from any priest, whatever privileges, authority, and dignity he may possess, except from Us, and Our successors, unless at the end of life, and except in articulo mortis, which power We reserve to Ourselves, and to the aforementioned successors. Finally, greatly desiring to remove all occasion of impurity, and contempt of the sacraments, and injury to the Church, from the sanctity of the priestly judgment, and the sacred tribunal, and to eliminate such harmful evils altogether, and, as far as in us lies, to avert the dangers to souls, which certain sacrilegious individuals, rather than ministers of God, nefariously plunge into the abyss of iniquity, loading them with a greater burden of sins, by means of the sacrament, instead of reconciling them with their Creator and with us, and after having consulted with the advice of some of our Venerable Brothers, Cardinals of the Holy Roman Church, and with some masters of theology, and also heeding the repeated supplications of many Bishops, We, by this Our perpetual sanction, which shall remain in force forever, as We know has already been done by many Bishops through their synodal constitutions, decree that all and each priests, both secular and regular, of whatever order and dignity, even though otherwise approved to hear confessions, and granted any privilege or indult, even with a special

Translated by churchlatin.ai, a product of Boyne Archives

expression,"

[*Latin ed. p. 275*]

By a most special decree, and for a reason worthy of mention, by the authority of the Holy See, and by the fullness of our power, we forbid and prohibit that anyone, outside of a case of extreme necessity, namely, at the very hour of death, and when no other priest is available who can administer the sacrament of confession, should dare to receive the sacramental confession of a person who is complicit in a shameful and dishonorable sin against the sixth commandment of the decalogue. For this reason, such a person shall be deprived of any authority and jurisdiction to absolve any person from such a fault, so that, indeed, any absolution given by him shall be null and utterly invalid, as if given by a priest who is manifestly deprived of the jurisdiction and faculty necessary to validly absolve. And we intend, by these presents, to deprive him of such jurisdiction and faculty. Nevertheless, if any confessor should dare to act otherwise, he shall incur the penalty of a greater excommunication, from which only we, and our successors, have the power to absolve.

We also declare and decree that, even in virtue of any jubilee, or even of the bull called *Cruciatae Sanctae*, or any other indulgence, no one shall be able to receive the confession of the aforementioned person, nor to grant him sacramental absolution; for, for this purpose, and in this case, no confessor shall be considered a legitimate and approved confessor, if he is, as is stated here, lacking in jurisdiction in this type of sin and penitent, and is deprived by us of the faculty to absolve.

Notwithstanding any constitutions and apostolic ordinances, especially those mentioned, namely, the *Cruciatae Sanctae*, or any universal or plenary jubilee, nor any statutes, customs, privileges, indulgences, and apostolic letters of any churches, monasteries, or orders whatsoever, of which their priests have been, even by oath, by apostolic confirmation, or by any other means, strengthened, approved, and renewed, all of which, and their contents, we expressly hold for the present occasion only, and specifically and expressly derogate from all others, and from any other contrary provisions whatsoever.

Finally, we wish and command that all ordinaries of places, both present and those who will exist in the future, take care to ensure that the aforementioned constitution of our predecessor, Gregory, and the present one, are carefully read and strictly observed by all priests, and that they exhort them in the Lord, and encourage them to perform the sacred ministry entrusted to them with the utmost innocence of spirit, purity of morals, and integrity of judgment.

[*Latin ed. p. 276*]

They must carry out their duties and present themselves as ministers

Translated by churchlatin.ai, a product of Boyne Archives

of Christ and dispensers of the mysteries of God. Furthermore, they must remember that they hold a place, and fulfill the duties, of the highest and eternal priest, who, being holy, innocent, and undefiled through the Holy Spirit, offered Himself without blemish to God, that He might cleanse our conscience from dead works to serve the living God. Therefore, let them diligently strive, and carefully take heed, lest, through their fault, the sky be closed to those who seek and knock; lest lost sheep, hastening to return to the Lord's fold, be torn apart by the savage teeth of their hands; lest the children, poor and wounded, returning to the heavenly Father, be wounded by even more grievous sins through the wickedness of their actions, while they are still on the way. In order that these present Letters may more easily come to the knowledge of all, and that no one may allege ignorance of them, we decree that copies of these, or exemplars thereof, be affixed to the doors of the Church of the Lateran, and of the Basilica of the Prince of the Apostles, as well as to the Apostolic Chancery, the general court on Mount Citatorio, and in the Field of Flora near the City, as is customary, and that, once publicly displayed and affixed, all those to whom they pertain, whether individually or collectively, shall be bound and affected by them, as if they had been specifically and personally notified: and that the same full faith shall be given to copies or exemplars of these present Letters, even printed ones, signed by the hand of a public notary and sealed with the seal of someone holding an ecclesiastical office, as would be given to the present Letters if they were exhibited or shown. Therefore, it is not permitted to any human being to violate this page of our will, sanction, precept, mandate, and derogation, or to dare to contradict it with reckless audacity. If anyone should presume to attempt this, let them know that they will incur the wrath of the Almighty God, and of the blessed Apostles Peter and Paul. Given at Rome, near the Holy Mary Major, in the year one thousand seven hundred and forty-one, since the Incarnation of the Lord, in the first year of our pontificate, June 1st. DECREE II. Against the same accomplices, etc. Understanding perfectly that the duties of the apostolic office consist primarily in the pure and unblemished administration of sacred things, we strive not only, through constant exhortations, and through just severity of laws, where the matter requires it, to ensure that ecclesiastical ministers treat sacred things holily and piously, as much as we can; but also that the laws themselves are not subject to sinister interpretations, or to excessive rigor, or to detestable laxity.

[*Latin ed. p. 277*]

We do not neglect, when the opportunity arises, to diligently exhort and strengthen those whose affections are perverted, so that they may, with renewed vigor, defend themselves; and we do not pass over the occasion to administer the Sacrament of Penance. Indeed, by a certain constitution of ours, which we promulgated in the year 1741, in the first year of our

Translated by churchlatin.ai, a product of Boyne Archives

pontificate, on the Kalends of June, we forbade and prohibited all, both secular and regular priests, that any of them, except in cases of extreme necessity, namely, in the very article of death, and when no other priest is available who can perform the office of confessor, should dare to hear the sacramental confession of a person complicit in a shameful and dishonorable sin, which is contrary to the sixth commandment of the Decalogue; so that, if absolution were granted, it would be null and utterly void, as if granted by a priest who, by the force of the same constitution, has been deprived of the jurisdiction and faculty necessary to validly absolve, and otherwise, as is more fully stated in the aforementioned constitution, the tenor of which we wish to be fully and sufficiently expressed and included in the present document.

Since we have received certain doubts arising concerning that part of the aforementioned constitution which pertains to the article of death, and we consider it best to leave the resolution of these doubts to the judgment of each individual, lest the law be distracted by uncertain conjectures and opinions, perhaps alien to our intention, and its force gradually languish and weaken: therefore, desiring to remove all possibility of doubt, as far as it is in our power, we, by our own motion, and with certain knowledge and mature deliberation, confirm our aforementioned constitution with all and each of its contents, as far as it is necessary, and we command that it be observed integrally, thoroughly, and entirely, and inviolably and unshakeably by those to whom it pertains, and for all time to come.

Furthermore, having conferred with our venerable brother Vincent, Bishop of Praeneste, Cardinal of the Holy Roman Church, called Peter, our Major Penitentiary, and with our beloved sons, ministers of the Apostolic Penitentiary, who diligently examined the matter at our command, we decree and declare, by the same Constitution, to all priests, as above, that it is not forbidden to hear the confession of a person complicit in the aforementioned shameful sin in the article of death, and to properly absolve him from such guilt, if no other priest is available who can perform the office of confessor; so that this prohibition, and the prohibition itself, apply only in that manner, and only when no other priest is lacking, even if that other priest is merely a simple priest, or otherwise not authorized to hear confessions.

[*Latin ed. p. 278*]

Even if the priest himself is simple, he nevertheless may receive the confession and grant absolution. Furthermore, if the urgency of the matter, and the circumstances present, are such that another priest cannot, without grave danger of infamy or scandal, be called upon or accede to hear the confession of the person mentioned in the aforementioned article, then another priest shall be considered to be present, and to be lacking, as if he were truly absent; and therefore, in such a situation, the priest who is

Translated by churchlatin.ai, a product of Boyne Archives

an accomplice in the crime shall not be prohibited from granting absolution to the penitent for that very crime. However, let the priest in such a situation know, and let him seriously consider, that he himself, before God who cannot be mocked, will be guilty of a grave disobedience to our aforementioned constitution, and subject to the penalties contained therein, if he himself, through his own actions, conjures up the dangers of infamy or scandal where they do not exist; rather, let him understand that he is gravely obligated to prevent or remove such dangers, as far as is in his power, by employing appropriate means, so that another priest may have the opportunity to hear the confession without any danger of infamy or scandal. Thus, we declare that he is bound by the force of our aforementioned constitution, and we now also strictly command and enjoin that this be done. If, however, the same priest, either through some compulsion or because the danger of infamy or scandal is feared, and the assistance of another priest is required, should neglect to employ appropriate means to avert that danger, and should presume, without any necessary reason, as stated above, to receive the sacramental confession of the person complicit in the aforementioned crime, and to grant absolution for that crime, even though such absolution would be valid, provided that the dispositions required by Christ the Lord for the validity of the sacrament of penance are not lacking on the part of the penitent (for we do not intend to deprive the same priest, however unworthy, of the necessary jurisdiction in the hour of death, lest anyone perish on that very occasion), nevertheless the priest himself will not escape the penalties of the law violated by such a reckless act, and therefore he will incur the greater excommunication expressly mentioned in the aforementioned constitution, and in the same manner as it is prescribed therein, reserved to us and to this Holy See, as we declare that he does incur it, and we decree. Notwithstanding all and singular those things which we wished to be excepted in our aforementioned constitution, and all other contrary things whatsoever. We decree that the same faith shall be given to these present letters, whether transcribed or printed, and signed by the hand of a public notary, and sealed with the seal of a person constituted in ecclesiastical dignity, in judgment and everywhere else, as would be given to the present documents themselves, if they were present.

[*Latin ed. p. 279*]

Given before those present, or shown. Given in Rome, at the Basilica of Saint Mary Major, under the seal of the Notary, on the eighth day of February, in the year one thousand seven hundred and forty-fifth, in the fifth year of Our Pontificate. DECREE III. Against those who solicit others, and abuse the Sacrifice of the Mass. In the general congregation of the Holy Roman and Universal Inquisition, held in the apostolic palace at Quirinal, before the Most Holy Lord our Lord BENEDICT, by divine Providence, Pope XIV, and the Most Eminent and Reverend Cardinals, against heretical

Translated by churchlatin.ai, a product of Boyne Archives

perversity, Inquisitors General specially appointed by the Holy Apostolic See. The Most Holy Lord our Lord, carefully observing how grave is the crime of those wicked men who abuse the most sacred Sacrifice of the Mass, and the salutary Sacrament of Penance, instituted by Christ the Lord for the reparation of souls, to their own ruin and condemnation, decreed, "that in the future, priests, both secular and regular, of whatever order, institute, congregation, and society, even when compelled by necessity, or in the act of sacramental confession, or on that occasion, or under the pretext of soliciting others, or abusing the Sacrifice of the Mass for sorcery, in addition to the penalties prescribed by law, and by the apostolic constitutions, and especially by the aforementioned decrees of Sixtus V and Gregory XV against the same, shall incur perpetual incapacity to celebrate the aforementioned Sacrifice"; and that such decree shall be signified to the superiors and prelates of each order, so that, as with this, so also with the aforementioned, and with other constitutions of the Supreme Pontiffs, according to what is prescribed in the general decree of the Supreme Inquisition of December 45, 1633, they may at least once a year, that is, on the Saturday after the octave of the Assumption of the Blessed Virgin Mary, in the public meeting, or in a chapter specially convened for this purpose, and furthermore in any general, or provincial chapter, or any other assembly whatsoever called a chapter, instruct their subordinates and religious under their care, and shall exhibit a sworn testimony of such instruction before the Supreme Congregation. DECREE IV. Against confessors who seek the name of an accomplice. Where, for the first time, a perverse and absurd practice has arisen in the administration of the Sacrament of Penance among some confessors in Portugal.

[*Latin ed. p. 280*]

And having been introduced into the kingdoms of the Algarves, we received news, not with a slight or uncertain report, but with such grave and solid foundations, that it entirely inspired confidence, both concerning the truth and the magnitude of the danger; we could not fail to consider that, having given notice to the venerable Fathers, the Archbishops and Bishops of those kingdoms and territories, through our apostolic letters, we should apply a remedy to the nascent evil as promptly as possible. The letters, issued on the seventh day of the month of July of the preceding year, one thousand seven hundred and forty-fifth, which we deem fit to insert in this present constitution, contained the following: The supreme concern for all the Churches, and the charity of our Lord Jesus Christ, the Prince of all pastors, whose office we faithfully fulfill, constantly urges us to be ever vigilant for the care of the entire flock entrusted to us, and to meet, as far as it is pleasing to the Lord, the dangers to souls, wherever they may arise, throughout all the Christian world, and especially to those kingdoms and places which we particularly consider with the special care of

Translated by churchlatin.ai, a product of Boyne Archives

our apostolic charity and the providence of our authority, in which, while faith, religion, and piety flourish to the highest degree, the cunning enemy of the human race, despairing of open warfare, seeks to harm the faithful through insidious means, transforming himself, as it were, into an angel of light, and deceiving the unwary with the appearance of goodness, and confidently believes that he will cause greater damage to souls through these deceptions than through manifest aggression. Among these deceptions, we have learned, to our great sorrow, that in the most flourishing kingdoms and territories of Portugal and the Algarves, over which you, venerable Fathers, preside with the commendation of your sacerdotal virtue, and for which you deserve praise for their singular devotion to the Catholic Church and this Holy See, a certain thing has recently occurred. For it has come to our ears that some confessors in those parts have confessed that they have been deceived by a false zeal, but a zeal far removed from true knowledge, and that they have begun to introduce and practice a certain perverse and harmful method in hearing the confessions of the faithful and in administering the salutary sacrament of penance; namely, that if they encountered penitents who had accomplices in their crimes, they would seek out the names of such accomplices from the very penitents; and that they would not only try to induce them to reveal this by persuasion, but, which is more deplorable, they would threaten to withhold the sacramental absolution, and would compel them to reveal it; indeed, they would even demand not only the name, but also the place of residence of the accomplice. This, indeed, is an intolerable imprudence in seeking the correction of the accomplice...

[*Latin ed. p. 281*]

Under the pretext of gathering other goods, they would not hesitate to defend themselves with certain opinions of doctors, which are truly either false and erroneous, or, even if true and sound, are misused to the detriment of both themselves and the souls of the penitents; and furthermore, they should foresee that they would become guilty before the eternal Judge of God, of many serious damages that would easily result from this. And indeed, many such damages have already been experienced through unhappy experience: and it could not be otherwise, so that, for this reason, there have arisen words, scandals, and not only hatred among the ministers, but also hatred of the very sacred ministry itself, and great disturbance of souls among the faithful people. We received these sad news, and at the same time we heard that our beloved sons, Cardinals of the Holy Roman Church, Nuno da Cunha, Inquisitor General in the kingdoms of Portugal and the Algarves, and Thomas de Almeida, Patriarch of Lisbon, had been moved by just indignation concerning this harmful abuse, and had diligently striven to restrain and even eradicate it. We, however, so that we may not appear to be lacking in any way in our apostolic ministry at so

Translated by churchlatin.ai, a product of Boyne Archives

grave a boundary of souls, nor that our mind on this matter may be obscure and ambiguous among you; we wish you to know that the aforementioned practice is to be vehemently condemned, and that it is condemned and rejected by us through these present Brief Letters, as scandalous and pernicious, and as tending to injure both the reputation of our neighbors and the very sacrament itself, and to alienate the faithful from the most useful and necessary use of the sacrament of penance. Therefore, venerable brothers, although we have no doubt concerning your pastoral vigilance, we nevertheless consider it to be also a duty of the highest office to encourage your eagerness with this open expression of our mind, and with our apostolic exhortations, so that each of you, as prudence suggests to him, may employ the most suitable means and the most effective legal remedies, as far as is necessary, against the offending ministers, and may vigorously attack and suppress this harmful novelty, which is only just beginning, and may not allow offense to be caused to the sheep entrusted to your care, where salvation has been placed by Christ, and that they may be turned away from that divine source of mercy, from which our Redeemer most lovingly invites them to have their souls cleansed and redeemed in His blood. In the meantime, while we expect from your zeal and prudence clearer proofs of your piety and obedience, we impart to you, venerable brothers, our apostolic blessing, together with the fullest abundance of heavenly graces, from our heart.

[*Latin ed. p. 282*]

We are concerned. We desire, however, that, with regard to the present document, or examples drawn from it, even if they are written down by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the very same faith be applied everywhere, as was applied to the present document, and could be applied if they were presented or shown. Given in Rome, at the Basilica of Saint Mary Major, under the seal of the Fisherman, on the seventh day of the month of July, in the year 1745, in the fifth year of Our pontificate. Cajetanus Amatus.

Furthermore, We hereby confirm and strengthen these Letters, which were previously issued in the form of a Brief, and We command and enjoin that all and each faithfully and exactly observe them; and We also establish and decree that whoever, of whatever status, rank, condition, dignity, or order, even of a special and individual nature, should presume in the future to teach that such practice is permissible, as it is explained and condemned in Our Brief, or should presume to write or speak in defense of the same condemned practice; or should presume to challenge or rashly distort or interpret those things which are decreed in the aforementioned Brief against the same practice, shall, by such act, incur excommunication, from which he cannot be absolved, except at the point of death, by another, whatever his dignity or authority may be, unless by Us, or by the Roman Pontiff then

Translated by churchlatin.ai, a product of Boyne Archives

in office.

And because it is necessary not only to ensure that those things which We have decreed in the aforementioned Letters are preserved from all impugnation, wrongful contradiction, and perverse interpretation, but also that no one ever deviates in any way from the observance of them in the administration of the Sacrament of Penance; therefore, We strictly and severely prohibit all confessors, both of the secular and regular clergy, whatever their exemption, and whatever special and explicit mention they may perhaps receive, by the divine judgment and in virtue of holy obedience, "that they presume to ask penitents, who confess a sin or crime of which they have associates or accomplices, to reveal the name of the accomplice, the place of his residence, or other similar details or circumstances, concerning the individual identification of the same accomplice; and that, if the penitent refuses to reveal [this information], sacramental absolution should be denied to him; otherwise, they should know that, in addition to incurring the mortal sin, they will be subject to suspension from the office of hearing confessions, and to even more severe penalties."

Furthermore, in order to counteract this condemned and harmful abuse,

[*Latin ed. p. 283*]

We deem it necessary to establish and regulate the manner and form of proceeding in the external forum, and of imposing penalties against the guilty; and we desire, decree, and declare that all those who, as aforesaid, defend a practice already condemned by us, or who write, speak, or otherwise impugn or pervert the condemnation of said practice contained in the aforementioned Brief, shall be severely punished by the Holy Office of the Inquisition of the aforementioned kingdoms and territories; and against them, and against anyone acting in the same matter, the same procedure shall be followed as is customary against those who assert, maintain, or defend scandalous and pernicious opinions, and who, as such, are rejected and condemned by the Apostolic See. Similarly, the same procedure shall be followed, and we decree and establish, against confessors who, as aforesaid, commit such offenses, and who, by questioning the penitent, compel him to reveal the secrets of another, and who, if the penitent does not reveal them, deny him absolution. Provided, however, that such questioning and denial of absolution must be accompanied by circumstances and evidence that would lead the confessor acting in this manner to be suspected of adhering to the aforementioned condemned practice, as if it were licit, or in any other way of harboring false beliefs. Therefore, against all and each of the aforementioned offenders, whether secular or belonging to any order, institution, society, or congregation, Regular or otherwise, immediately subject to the Apostolic See, of whatever dignity, eminence, or privilege they may be endowed, and whose special and specific mention is

Translated by churchlatin.ai, a product of Boyne Archives

to be made, the Inquisitors of the aforementioned kingdoms and territories, by the power conferred upon us, and as may be necessary, by the tenor of the present document, shall diligently inquire and proceed, according to the form of the sacred canons, as well as the constitutions, privileges, customs, and decrees of this Holy Office of the Inquisition; and those whom they find guilty of any of the aforementioned offenses shall be subjected to penalties, according to the nature and circumstances of the crime, including suspension from the office of hearing confessions, or even from the execution of sentences, deprivation of benefices, dignities, and perpetual incapacity to hold them, as well as, if they are Regulars, deprivation of the active and passive voice, and other penalties; all or some of these penalties may be imposed permanently or for a time. Whoever knows that another has committed any of the aforementioned offenses shall be obliged to denounce him to the Holy Office of the Inquisition within the term of days prescribed in the edicts of said Holy Office; otherwise, they themselves shall incur the penalties prescribed for those who fail to denounce.

[*Latin ed. p. 284*]

Those accustomed to incurring the penalties prescribed by law shall do so. However, we desire and decree that the person of the penitent be excused from the burden of denouncing, for just reasons, solely in their own case, that is, in the instance where, having confessed their sin, they are urged by the confessor to reveal the name of their accomplice in the same sin; then, and only then, are we to release the penitent from the obligation of denouncing that same confessor. But if the confessor learns, from any source other than the aforementioned confession, that someone has committed one of the offenses listed above, and is to be reported to the Holy Office, then he himself is obligated to denounce him based on this knowledge obtained from elsewhere. If, however, the confessor, when questioned about the name of the accomplice, or when refusing to grant absolution until the truth is revealed, commits an act of this kind, and although imprudent and wicked, it is nevertheless a simple and unadorned act, that is, lacking those circumstances which, as frequently stated in our aforementioned Brief, would render the confessor suspect, namely, those pertaining to perverse credulity or to a bad adherence to practices condemned as licit; then, such an offense shall not be subject to the burden of denunciation, nor to the knowledge of the aforementioned Holy Office; but to become aware of it, and to impose upon the offending confessor the appropriate canonical and legal penalties for the offense, it shall entirely pertain to the local Ordinaries in their respective dioceses. Therefore, with the procedures, form, and manner of dealing with such offenders established as presented, and with their respective ecclesiastical rights assigned and distributed; we desire and command that this rule be observed and followed by all from now on, if ever such offenses should be discovered, which,

Translated by churchlatin.ai, a product of Boyne Archives

however, we trust will never occur in the Lord, and with the added benefit of the renowned and illustrious nation of Lusitania's unwavering devotion and obedience to the Apostolic See, and also with the unwavering vigilance of this Holy Inquisition and of each local Ordinary. Therefore, whatever else has been established or prescribed previously, either in the edicts of the aforementioned Holy Inquisition, or in the mandates, pastoral letters, or decrees of any Ordinaries, we, considering these to be less necessary after this apostolic norm for action or judgment that we have proposed, declare, by our own authority and with full certainty, and by the fullness of apostolic power, that they cease to be in force, and that, as if they had never been issued, they lose all binding force. We decree that these aforementioned, as well as the present letters, and everything contained therein, shall apply equally to all, regardless of their status, rank, order, eminence, or dignity.

[*Latin ed. p. 285*]

With special and individual mention and expression, those who are concerned with the matters at hand, or who claim to be so in any way, shall not have dissented, nor shall they have been called, cited, and heard, nor shall the causes, whether those presented before us or those now arising, have been sufficiently adduced, verified, and justified, or, from some other reason, whether privileged or otherwise, under the pretext or guise of deception, or nullity, or lack of consent of those concerned, or any other defect, be able to be noted, impugned, or brought into controversy; but rather, these present documents, and the aforementioned brief letters, shall exist and remain firm, valid, and effective; and shall produce and obtain their full and complete effects, and shall be observed exactly and inviolably by all and each of those to whom they apply, or who will apply to them in due time. And thus, and no other way, shall these matters be considered, and thus shall they be judged and defined by any ordinary or delegated judges, even Cardinals of the Holy Roman Church, and by the General Inquisitors, also by Legates from the side, and by Nuncios of the Apostolic See, and by any others exercising or about to exercise any authority, power, and preeminence, with all such powers and faculties for otherwise judging and interpreting being removed from them, and from each of them. And it shall be void and null if anyone knowingly or unknowingly should attempt to alter it in any way. Notwithstanding any apostolic, or general or special constitutions and ordinances issued in universal, provincial, or synodal councils, or the edicts of the aforementioned office of the Inquisition, and the mandates of any ordinaries, even bishops and archbishops, pastoral letters, or decrees, nor also of the same office, and of any churches, even episcopal and metropolitan, and of any orders, congregations, religions, and institutions, even the Society of Jesus, or any others, even if confirmed by oath, by Apostolic confirmation, or by any other means, statutes, regula-

Translated by churchlatin.ai, a product of Boyne Archives

tions, customs; also privileges, indulgences, and Apostolic letters granted to the aforementioned office of the Inquisition, and to its inquisitors, commissaries, and other officials, even to churches, and their prelates, orders, congregations, institutions, societies, and their superiors and any persons whatsoever, under any wording or forms, and with any, even the most effective, established derogations, clauses, and decrees, even by motion, and by the fullness of Apostolic power, or by the insistence of any persons, even those holding royal or any other worldly or ecclesiastical power, or any other concessions made to the contrary of the aforementioned matters, confirmed, and innovated. All of which, and each of them, even if for the sufficient derogation of those matters, shall be considered special and individual, and concerning the entire tenor of them.

[*Latin ed. p. 286*]

verbatim, and not merely through general clauses, the aforementioned important matters; or any other expression that should be used, or any other suitable form to maintain this, considering the aforementioned provisions as sufficiently and verbatim expressed and inserted, and such forms as fully and exactly observed, for the effect of the foregoing, we, for this occasion only and expressly, derogate. We wish, however, that, with regard to the foregoing, etc. Given in the Arch of Gandolfo, in the Diocese of Albano, in the year of the Incarnation of the Lord one thousand seven hundred and forty-six, on the fourth day before the Kalends of June, in the sixth year of Our Pontificate. DECREE V. Concerning private oratories. To two noble spouses of the Diocese of Marsica, who had obtained from the Apostolic See an Indult for the celebration of Mass in the private oratory of their house, conceived as follows: "Beloved children, and beloved in Christ daughter, greetings, and the apostolic blessing. For your spiritual consolation, as far as it is in our power, we will kindly consider, and wishing to grant you spiritual favors; and graces, and to absolve you from any excommunications, suspensions, interdicts, and other ecclesiastical sentences, censures, and penalties, imposed by law, or by any person whatsoever, for any occasion, or cause, if any such exist, in order to achieve the effect of the present, we, by this series, absolve you and consider you absolved before the forum; inclined by your humble supplications presented in your name on this matter, we, to you who (as asserted) exercise temporal jurisdiction in the places of Gallicium, and Messanello, in the Diocese of Marsica; or in another diocese, as Baron and Baroness respectively, in your private residences in the city and diocese of Marsica, grant you permission, after the place has been properly walled and decorated; or walled and decorated, free from all domestic uses; after being first visited and approved by the Ordinary of the place, and with the license of the aforementioned Ordinary, which license shall endure at his discretion, to celebrate one Mass per day, provided that it is celebrated in the same houses, and that permission

Translated by churchlatin.ai, a product of Boyne Archives

is not granted to the other, by any priest approved by the aforementioned Ordinary, secular or regular, with the license of his superiors, without prejudice to any parochial rights, and except on the feasts of Easter, Pentecost, and the Nativity of Our Lord Jesus Christ, and other more solemn days of the year, to celebrate freely and lawfully, and to be able to celebrate, in your house, and with your descendants, relatives, and affine who live with you in the same house, and with your family, and in the rare case of oratories, even in the presence of noble guests, and of those present."

[*Latin ed. p. 287*]

Each of you may, and shall, by the authority of the Holy See, and by these present terms, be granted and permitted: notwithstanding constitutions, and apostolic ordinances, and all other contrary things whatsoever. We decree that those family members who, by reason of their service, are not required to be present at the aforementioned Mass, and who attend such a Mass, shall be considered free from the obligation of hearing Mass in the church on holy days of precept. Given in Rome, at the Basilica of Saint Mary Major, under the seal of the Fisherman, on the 12th of February, 1739.

And since a doubt arose as to whether, by virtue of this kind of indulgence, Mass could be celebrated in a private oratory, even without the presence of either of the spouses to whom the grant of the indulgence was directly made, this doubt gave rise to the opinion of some doctors, who were contending with each other, some holding an affirmative view and others a negative view. The Sacred Congregation of the Council, to which the resolution of this question was presented, on the third of December, 1740, decided: IT IS NOT PERMITTED; and then, Our Most Holy Lord, rejecting the contrary opinion of the doctors, not only approved the aforementioned resolution of the Sacred Congregation, but also wished that it be made publicly known to all by the present decree, that Mass cannot be celebrated by virtue of a similar Indulgence in private oratories, when no one of those to whom the Indulgence was principally granted is present; the Indulgence being principally granted is to be understood only as pertaining to those persons who are named by their own name at the end of the document, so that, without the presence of any of the aforementioned persons, the sacrifice of the Mass cannot be performed, even if someone else is present, whether he be of the children, or of the relatives, or of the in-laws, or of the family members, or even of the noble guests mentioned in the same document; for those to whom something else is granted by such documents, namely, that each of them, provided that, with regard to family members, he is not one of those actually required to be present, who attends the Mass celebrated in the private oratory in the presence of one of the persons named by their own name at the end of the document, satisfies the obligation of hearing Mass on holy days of precept. Therefore, having removed and rejected any and all erroneous in-

Translated by churchlatin.ai, a product of Boyne Archives

terpretations of such documents and Indulgences that contradict this, HIS HOLINESS declared, and strictly commanded that it be observed, strictly ordering that all Bishops, and other local Ordinaries, even as if delegated by the Apostolic See for the execution and observance of this decree, diligently remind all, and that canonical penalties be established against those who disobey their judgment.

[*Latin ed. p. 288*]

DECREE VI. Concerning the Enclosure of Nuns. A salutary institution established in the Catholic Church from antiquity, and guarded with such diligence and pastoral zeal, that this flower of the ecclesiastical garden, the ornament and grace of spiritual life, a work of praise and honor, reflecting the image of God in sanctity, the most illustrious portion of the flock of Christ, the sacred virgins, concerning whom, the greater their glory, the greater the care, that they be preserved within the walls of monasteries, and within the enclosure with vigilant and watchful custody, both before and after the decrees of the Council of Trent, our predecessors, the Roman Pontiffs, have striven to promote and confirm with the most holy laws and with the beginnings of apostolic providence and charity; so that those who have vowed themselves to Christ, and, withdrawing from carnal concupiscence, have vowed themselves to God both in body and in mind, may complete their work, destined for a great reward.

Now, since, although we know that such provisions and constitutions, if observed with due regularity and discipline, are sufficient to ensure that the virgins, who are the brides of our Lord Jesus Christ, are holy both in body and in spirit; yet, having been taught by long experience, and having been admonished by the constant complaints of venerable brothers, the prelates of other Churches, it is necessary that the highest offices of apostolic authority and providence require that remedies be provided for the many abuses arising from the arrogance, or pretension, or persistence of some, who, by some means, whether lawfully or unlawfully, or through the granting of certain offices, are given the power to enter the enclosure of nuns, or that the nuns themselves, for any reason, even if not legitimate, may leave the enclosure and remain outside of it; hence, for the supreme care of all the faithful of Christ, and for the weakness of our own authority in the universal governance of the orthodox Church, which has been divinely imposed upon us, we strive, as far as in us lies, to provide a remedy for such abuses, and, by apostolic authority, by the tenor of the present document, we renew and confirm all and each of the constitutions issued by our predecessors, the Roman Pontiffs, both before and after the decrees of the Council of Trent, concerning the enclosure of nuns, and we also decree that, in the future, all and each of those to whom it pertains, and to whom it will pertain, shall observe them under the same penalties as set forth in the constitutions of our predecessors, the Roman Pontiffs, and in the decrees

Translated by churchlatin.ai, a product of Boyne Archives

of the Council of Trent.

[*Latin ed. p. 289*]

We decree, order, and command that these regulations be inviolably observed. Furthermore, by our own authority, and with certain knowledge and mature deliberation, by the tenor of these present documents, we revoke all indulgences, privileges, prerogatives, faculties, licenses, and all other concessions, by whatever name or expression they may be called, granted to all and each ecclesiastical persons, with whatever authority, dignity, honor, precedence, and jurisdiction, including our venerable Brothers, the Cardinals of the Holy Roman Church, whether individually or in their Congregations, even as legates from our side, or those who preside over provinces and legations established by our Church for the time being, or those who are sent and delegated to the most beloved sons in Christ, the King of the Romans, whether to elect or to the elected King and Queen, and other high powers, as the circumstances require; or those who, although prelates of other Churches, are nevertheless regarded as legates from this Apostolic See, and have been, or may be, or are claimed to be, and are to be regarded as such; or our Ordinaries, or extraordinary officials, and of the same Apostolic See, wherever, even with the Emperor and Kings and high powers (except only for local Ordinaries, and all those superiors to whom, as Ordinaries, and with ordinary jurisdiction, monasteries and convents of nuns are subject, in necessary cases, and with other rights observed, and in no other way); and finally, to all other persons, by whatever name or expression they may be called, who, at any time, by anyone, even by our predecessors, the Roman Pontiffs, for any reason, occasion, title, pretext, or through any Apostolic documents, or in a similar form, through Briefs, or sealed letters, or through any form of words, have been granted, given, conceded, or imparted, we revoke, abolish, annul, and render void; and from the date of these present documents, we declare that they are revoked, abolished, annulled, and rendered void, and are of no consequence or force whatsoever, and that no one shall be able to plead them at any time; and anyone who shall dare to use any of the aforementioned, even those worthy of special mention, with such a faculty, for themselves or for others, shall, by such action, without any further declaration, incur ecclesiastical penalties and censures against those who violate the enclosure of nuns, from which, except by us and by the reigning Roman Pontiff, they cannot be absolved, except in articulo mortis; and any such license granted shall in no way be valid.

[*Latin ed. p. 290*]

It is of the utmost importance, as if the smallest concession had been made, that, by this very fact, it should be, and be considered, and that the ecclesiastical penalties and censures should be incurred by the counter-

Translated by churchlatin.ai, a product of Boyne Archives

feiter, even by this very act, as is stated; we decree, determine, and declare. We decree these present letters, and whatever is contained in them, even with regard to those who, for whatever reason, may have an interest in the aforementioned matters, or who may claim to have some interest, of whatever status, rank, order, distinction, and dignity they may be, or who are otherwise specifically and individually worthy of mention and expression, if they have not consented to these things, nor have been called, cited, and heard, and if the reasons for which these have been issued have not been sufficiently presented, verified, and justified, or for any other reason, even if it is of a legal and privileged nature, under any pretext or guise, even within the closed body of the law, even of immense, most immense, and total damage, at no time shall they be subject to the defect of fraud, or of deception, or of nullity, or of our intention, or of the consent of those who have an interest, or in any other way, even if it is of great and substantial importance, and requiring individual expression, to be noted, impugned, infringed, revoked, brought into dispute, or reduced to the limits of the law, or to attempt, or to obtain, or to obtain, or even by motion, with full knowledge and power, to use something in judgment, or outside of it, or to help themselves in any way; but these present letters shall always exist and be firm, valid, and effective, and shall have and obtain their full and complete effects, and shall be inviolably and unshakeably observed by those to whom they apply, and at any time in the future to which they may apply: and thus, and no other way, shall it be judged and determined by any judges ordinary and delegated, including auditors of the causes of the Apostolic Palace, and by the Cardinals of the Holy Roman Church, even as legates from their side, and by messengers of the aforementioned See, and by others who exercise and will exercise any function with any distinction and power, and with all faculty and authority for judging and interpreting otherwise denied to them and to them, shall be judged and determined, and shall be null and void, if otherwise, knowingly or unknowingly, anything should happen to be attempted concerning these matters by any authority. Notwithstanding the foregoing, and to the extent that it is necessary, without prejudice to our and the Apostolic Chancery's rule regarding acquired right, and to other Apostolic constitutions: nor to any statutes and customs, and usages and styles, even those of unforgettable antiquity; nor to privileges, indulgences, and the aforementioned Apostolic letters, to any other persons, even those who shine with any ecclesiastical or worldly dignity, and who are otherwise qualified, and requiring special expression, under any wording and forms, and with any.

[*Latin ed. p. 291*]

Moreover, by derogatory clauses to derogatory clauses, and by other more efficacious, most efficacious, and unusual clauses, and by clauses that annul, and by other decrees, even by those similar in motion, knowledge,

Translated by churchlatin.ai, a product of Boyne Archives

and fullness of power, and by consistorial acts, and by any other means whatsoever contrary to the foregoing concessions, edicts, actions, and repeatedly reiterated, and approved, confirmed, and innovated in any way. With regard to all and each of these, even if for their sufficient derogation from them, their entire tenor was not specially, specifically, expressly, and individually, and word for word, but rather by general clauses, mentioned, or any other refined form were used to preserve them, such tenors, as if word for word, nothing at all omitted, and the form therein given, were observed, expressed, and inserted, with the present [decree] being considered fully and sufficiently expressed and inserted, they shall remain in their full force, for the effect of the foregoing, only this time specially and expressly derogating from them, and intending them to be derogated from, and from all other contrary things whatsoever. We decree that these present letters, after being transcribed, etc. are given in Rome, at Saint Mary Major, under the seal of the Fisherman, on the 3rd of January, in the year one thousand seven hundred and forty-second, in the second year of Our Pontificate. DECREE VII. Concerning the enclosure of Religious. It is well known that the observance of regular discipline, even before it was confirmed by the decrees of General and Particular Councils of any nation, or province, and by the laws and sanctions of Our predecessors, concerning the prohibition to all women, even relatives, of entering the enclosure of any religious men, has been so strictly maintained, that not only to women, but also to men, no access has been granted, not so much to the cloisters or walls of monasteries, as to the oratories and churches of the same monasteries; but rather, access has been forbidden under the most severe penalties; so that, as Our predecessor, Pope Gregory I, says, "an opportunity may not be given to the people to gather in the retreats of the servants of God, and that the simpler souls may, God forbid, be led into scandal." However, this observance of regular discipline, although, due to the changes and necessities of times, it has undergone so many alterations, that Our predecessors permitted men, whether laity or clergy, and women, to attend the sacred Mass, to listen to the preaching of the Word of God, and to receive the Sacrament of the Most Holy Eucharist, and to confess their sins, only in the public churches of monasteries...

[*Latin ed. p. 292*]

Sometimes, for reasons, without prejudice to the parish priests, concessions have been granted; conversely, however, our predecessors, both before the decrees of the Council of Trent and after the promulgation and publication of those same decrees, with prudent and salutary constitutions, ordinances, and under the penalty of excommunication *latæ sententiæ*, forbade any women whatsoever from entering or approaching within the enclosure of monasteries. Now, because, as we have learned with sorrow, some, either with reckless audacity or by interpreting these laws at their

Translated by churchlatin.ai, a product of Boyne Archives

own discretion, permit any women whatsoever to enter, while others, arrogating to themselves privileges, grants, prerogatives, faculties, licenses, and other concessions devised in any way, whether granted by law or by men, or whether granted or not, and by reason of their offices, dignities, and distinctions, claim and allege that any women may be admitted and received within the enclosures, walls, chambers, and other workshops of monasteries, and that they may be led or accompanied by them; finally, under the pretext of piety and religion, they claim that, as they assert, it is permissible for men and women to follow and accompany supplications, or the most holy Sacrament of the Eucharist, or the relics, statues, and images of saints, through the cloisters, walls, and other places of monasteries, without any distinction whatsoever, and indeed, they claim that it is necessary in order that they may obtain indulgences. Therefore, we, who, when we were still in lesser positions, were aware of many such abuses, now, being established in this exalted and most holy seat of the Apostles, are reminded daily, not so much by the documents of some other prelates, as by just and zealous expostulations from superiors and other men of religious orders, who are concerned for the honor of God and the discipline of their institutes, regarding the aforementioned and similar abuses, so that, as is fitting and salutary, we may provide a remedy for these abuses, as far as it is in our power, with the authority of the Apostles. By the present document, we first renew and confirm all and each of the constitutions and enactments issued by our predecessors, the Roman Pontiffs, both before and after the decrees of the Council of Trent concerning the enclosure of monasteries of religious men, and we decree, order, and command that, in the future, all and each of those to whom it pertains, and to whom it will pertain in the future, shall inviolably observe them, under the same penalties contained in the constitutions and enactments of our predecessors, the Roman Pontiffs, and in the decrees of the aforementioned Council of Trent.

[*Latin ed. p. 293*]

By the tenor of the present document, all and each of the indulgences, privileges, prerogatives, faculties, licenses, and whatever else may be named by any agreement, are granted to all and each ecclesiastical persons whatsoever, exercising any authority, dignity, honor, preeminence, and jurisdiction, including our venerable Brothers, the Cardinals of the Holy Roman Church, whether individually, or in their Cardinal congregations, even as legates from our side, or those who preside over the provinces and legations of our ecclesiastical state for the time being, or those who may be sent and delegated to choose, or to elect, kings and queens illustrious, and other high powers, as circumstances may require, or who, although prelates of other Churches, are nevertheless regarded and held as legates from this Apostolic See, and who may be, or claim to be, or are to be held in the future: whether ordinary or extraordinary, of the same Apostolic

Translated by churchlatin.ai, a product of Boyne Archives

See, wherever they may reside, even to the Emperor, and to kings, and to high powers, as messengers or envoys, and finally to all other persons whatsoever, by whatever name or expression they may be called, at any time, by anyone, even by our predecessors, the Roman Pontiffs, for whatever cause, occasion, title, pretext, and through any Apostolic letters, or in a similar form of Brief, or sealed with lead, or made, given, granted, and bestowed, or made, given, granted, and bestowed, concerning such access and entry, we revoke, abolish, annul, and render void; and also, from the day that these present documents are revoked, abolished, annulled, and rendered void, they shall be entirely without effect and validity, and we decree and declare that no one shall be able to avail himself of them at any time. Moreover, we decree and declare that anyone who shall dare to use any of the aforementioned privileges, even those worthy of special mention, without due cause, shall incur, by such action alone, without any further declaration, ecclesiastical penalties and censures, from which he may not be absolved, except by us, or by the Roman Pontiff for the time being, unless at the point of death; and that any license granted in this manner shall be of no effect, and shall be considered, from the very moment of its use, as if it had never been granted, and shall incur the aforementioned ecclesiastical penalties and censures, even by such action alone, as is stated above. We decree that these present letters, and all that is contained in them, shall be of no effect, even with regard to those who, whether they have an interest in the matters mentioned above, or claim to have such an interest, whatever their status, rank, order, preeminence, and dignity may be, or who are worthy of specific and individual mention and expression, have not consented to them, nor have been called, cited, and heard, and the reasons for...

[*Latin ed. p. 294*]

Provided that the present documents have not been sufficiently presented, verified, and justified, or if, for any other reason, even if legally and privileged, under any pretext or guise, even within a closed legal proceeding, and even if resulting in enormous, most enormous, and total damage, at no time shall they be subject to the defect of deception, or fraud, or nullity, or to the will of our intention, or the consent of those who have an interest, or in any other way, even if great and substantial, and unforeseen and unimaginable, requiring individual expression; they shall not be noted, impugned, infringed, revoked, brought into dispute, or reduced to legal terms, nor shall any remedy of law, or restitution to the original state, or any other legal action, be attempted or obtained, or used in any judgment, or outside of it, with full knowledge and power, or in any way to benefit oneself; but these present letters shall always exist and be firm, valid, and effective, and shall have and obtain their full and complete effects, and shall be inviolably and without interruption observed by those

Translated by churchlatin.ai, a product of Boyne Archives

to whom they apply, and at all times as long as they apply; and thus, and in no other way, shall they be judged and defined by any judges, ordinary and delegated, including auditors of the causes of the Apostolic Palace, and Cardinals of the Holy Roman Church, even as legates from their side, and messengers of the aforementioned See, or any other persons exercising any authority or function, with the exception of any other means of judging or interpreting, and with the full power and authority granted to them, and shall be declared invalid and void if, to the contrary, anyone, knowingly or unknowingly, should cite them with any authority. Notwithstanding the foregoing, and to the extent that it is necessary, our and the Apostolic Chancery's rule regarding the non-infringement of acquired rights, and other apostolic constitutions and ordinances, as well as any statutes and customs, and usages and styles, even those of immense importance, and privileges, indulgences, and the aforementioned apostolic letters, shall not be invalidated for any person, even those holding any ecclesiastical or secular dignity, and otherwise qualified, and requiring special expression, under any wording or form, and with any derogations, or other more effective, most effective, and unusual clauses, or any other decrees, even with similar full knowledge and power, and in consistory, and in any other way contrary to the foregoing, granted, issued, made, and repeatedly iterated, and approved, confirmed, and renewed as many times as necessary. For all of these and each of these, even if, for their sufficient derogation from them, a special, specific, and individual mention, word for word, and not merely through general clauses, is not made, or any other expression is required, or any other...

[*Latin ed. p. 295*]

Provided that a form suitable for this purpose could be devised, those who, word for word, without omitting anything, and observing the form therein established, express and insert [certain clauses], having these present [clauses] fully and sufficiently expressed and inserted, intending that these [clauses] remain in full force, we hereby expressly derogate and intend to have derogated, for this occasion only, from the foregoing, and from all other contrary provisions whatsoever. However, by these presents, we do not intend to derogate from those concessions which have been granted to certain noble women, either because their ancestors, or those currently living within the family, have been the founders, or distinguished benefactors, of that monastery, within whose enclosure or walls women of the family are permitted to enter, or because they have desired that such permission be granted to them, and have obtained confirmation of such concession from this Holy Apostolic See; nor do we intend to derogate from those women who are relatives and connections of those who are the lords of the places in which the monasteries are situated, and who, for whatever legitimate reason or occasion, enjoy such

Translated by churchlatin.ai, a product of Boyne Archives

entry at present, provided that such concessions have been previously made and granted only by Apostolic Briefs, or by letters sealed with the leaden seal, and not otherwise, and that this is established by proper and suitable documents to the local Ordinaries, Prelates, or superiors; and provided that they enter not for the purpose of wandering about, or idling, or eating and drinking, nor for the purpose of going through the corridors, chambers, dining rooms, or other places and workshops, but for the purpose of attending the churches, hearing the sacred Mass, and performing other acts of piety and service to God; and provided that those present superiors are duly informed beforehand of their arrival and entry, so that, without causing any inconvenience or offense to the brothers, a proper passage to the church may be made, and other things that are due are observed. We decree that, after the transcription of these present letters, etc. Given at Rome, near the Basilica of Saint Mary Major, under the Fisherman's Ring, on the third day of January, in the year one thousand seven hundred and forty-second, in the second year of Our Pontificate. DECREE VIII. Concerning the marriages of heretics in Holland and Belgium. Marriages, which are commonly celebrated in the territories of the United Provinces in Belgium, either between heretics on both sides, or between a heretic on one side and a Catholic woman on the other, or vice versa, and which are not performed according to the form prescribed by the Holy Council of Trent,

[*Latin ed. p. 296*]

For a long time, there has been much debate and disagreement among people, with opinions divided, concerning whether these [marriages] should be considered valid, or not; this has sown a great deal of anxiety and danger for many years, because especially the Bishops, parish priests, and missionaries of those regions had nothing certain on this matter, and no one dared to decide or declare anything without consulting the Holy See. However, in recent years, this very complex and serious matter has been more forcefully brought before the Apostolic See, and the most vigilant Bishop of Ypres has urged this, fulfilling his duty and his obedience to the See of Saint Peter, reporting the state of the Church entrusted to him to the Roman Pontiff, and urging that an end be put to this lengthy debate with the most serious words and reasons: Pope Clement XII, the Roman Pontiff of that time, who assessed the gravity of the matter as it should be, gave instructions to the most eminent Sacred Congregation of Cardinals of the Council of Trent, to carefully examine the entire controversy in his own manner. Therefore, wishing to proceed with the utmost care in this matter of such importance, the aforementioned Sacred Congregation decided to begin its examination by obtaining reports and opinions from other Bishops of Belgium, which it began to investigate, and at the same time, it wanted to hear a few outstanding theologians of this esteemed

Translated by churchlatin.ai, a product of Boyne Archives

city, to whom it ordered that they carefully discuss the matter and express their opinion. But while these things were being done, it was necessary to suspend the proceedings of this matter for a few months, due to the vacancy that occurred in the Roman Church, until the Most Holy Lord Pope Benedict XIV, among the first concerns of his governance, ordered the aforementioned Sacred Congregation of the Council to resume the examination of this matter, which he wanted to have before him, so that, after hearing the opinions of the most eminent Fathers, he himself would finally pronounce his supreme decree on what should be held in this matter. Therefore, when the aforementioned Congregation was held before his Holiness on May 43 of the current year 474, the Most Holy Lord Pope, after taking some time to consider the matter, ordered that this recent declaration and instruction be drawn up, so that all Bishops of Belgium, parish priests, and missionaries, and Apostolic Vicars of those regions should henceforth use this as a certain rule and standard in such matters. Firstly, with regard to marriages celebrated among heretics among themselves in places under the jurisdiction of federated orders, without observing the form prescribed by Trent, his Holiness is not unaware that, in certain particular cases, and after considering the circumstances then presented, the Sacred Congregation has ruled on their invalidity; nevertheless, it is also known that nothing has yet been definitively decided by the Apostolic See in general and universally regarding such marriages, and it is certainly necessary to provide guidance to all the faithful.

[*Latin ed. p. 297*]

In those places where they reside, and considering the most serious evils to be avoided, what should generally be thought concerning these marriages, after mature deliberation, and after carefully weighing all the relevant considerations, it was declared and decreed that marriages contracted in the aforementioned united provinces of Belgium between Catholics and heretics, and those which are subsequently contracted, even if the form prescribed by Trent is not observed in their celebration, provided that no other canonical impediment exists, are to be considered valid; and therefore, if it should happen that one of the spouses converts, both spouses are to be entirely bound by the conjugal bond as before, even if the mutual consent is not renewed before a Catholic priest; but if only one of the spouses, whether male or female, converts, neither of them can, as long as the other survives, enter into another marriage.

Concerning those marriages, which are also contracted in the same united provinces of Belgium, without the form established by Trent, between Catholics and heretics, whether a Catholic man marries a heretical woman, or a Catholic woman marries a heretical man, it is the primary concern of the Holy See that those among Catholics who, with a shameful

Translated by churchlatin.ai, a product of Boyne Archives

and insane love, do not abhor these detestable unions, which the Holy Mother Church has perpetually condemned and prohibited, and who do not entirely abstain from them, should be strongly rebuked; and the zeal of those prelates who seek to restrain Catholics with stricter spiritual penalties, so that they do not join themselves to heretics through this sacrilegious bond, is highly praised. All bishops, vicars apostolic, pastors, missionaries, and all other faithful ministers of God and the Church residing in these parts are earnestly and seriously urged and admonished to dissuade Catholics of both sexes, as much as possible, from entering into such marriages, and to strive with all their might to prevent and frustrate these marriages.

However, if, perchance, a marriage of this kind, not observed according to the form of Trent, has already been contracted there, or if it should happen in the future (may God avert it), the Holy See declares that such a marriage, provided that no other canonical impediment is present, is to be considered valid, and that neither of the spouses can, as long as the other survives, enter into a new marriage under the pretext of the aforementioned form not being observed; but the Catholic spouse, whether male or female, should above all take to heart that, for the most grievous sin committed, he or she must do penance, and pray for forgiveness from God, and strive with all his or her might to bring the other spouse, who is unworthy of the true faith, into the bosom of the Catholic Church, and to enlighten his or her soul, which would be most opportune for obtaining forgiveness for the offense committed in the marriage; knowing, moreover, as was said above, that he or she will be perpetually bound by the bond of this marriage.

[*Latin ed. p. 298*]

Furthermore, His Holiness declares that whatever has hitherto been decreed or stated concerning marriages, whether those contracted between heretics among themselves, or between Catholics and heretics, within the territories subject to the allied powers in Belgium, should also be understood to apply to similar marriages contracted outside the boundaries of those same allied powers' territories by those who are attached to legions, or military units, which are commonly sent by the same allied powers to guard and defend the bordering fortresses, commonly called "di Barriera"; in such a manner that marriages contracted there, apart from the form of Trent, whether between heretics on both sides, or between Catholics and heretics, may be valid, provided that both spouses belong to the same units or legions; and His Holiness desires that this declaration should also encompass the city of Maastricht, belonging to the Republic of the United Provinces, although not by right of dominion, but only, as they say, by possession. Finally, concerning marriages contracted either in the territories of Catholic princes by those who reside in the allied provinces, or in the

Translated by churchlatin.ai, a product of Boyne Archives

allied provinces by those who reside in the territories of Catholic princes, His Holiness has not deemed it necessary to decree or declare anything new, but desires that decisions be made concerning them, according to the principles of common canon law, and resolutions previously issued by the Sacred Congregation of the Council in similar cases, where a dispute arises; and thus He declared, decided, and commanded that it be observed by all in the future. November 4, 1744. DECREE IX. Concerning dispensations in marriages. It pertains to the ministry of our apostolic service to diligently oversee, so that dispensations concerning degrees of affinity, or consanguinity, within which marriages are prohibited, or concerning other impediments established by the sacred canons, are not granted except for due causes, and that all that might give rise to any reproach to the name and dignity of the Roman Church, to which, undeservedly, we preside, be removed. Indeed, in obtaining dispensations, the causes for which they are requested are usually expressed in a written petition by those who seek them; and if such causes are of a nature that, according to canonical sanctions, and the prudent judgment of ecclesiastical provision, there appears to be grounds for granting a dispensation, the dispensation is usually granted, and its execution is most often entrusted to the Ordinary, to whom it is incumbent to diligently inquire whether the causes alleged are based on truth, so that, if they are true, the grace of execution may be requested; otherwise, if the causes are not at all consistent with truth. If...

[*Latin ed. p. 299*]

However, it sometimes happens, for reasons that are most truly existing, that the dispensation is not delivered to those who have obtained it, by those who manage affairs, or by the expediters of Apostolic Letters, from whom they are sometimes told that the execution has been wrongly and unjustly denied, because the expression of the reasons, and their verification, in dispensations, is not something substantial, but rather a certain formality, and a custom of legal style: which, no less than truth, undermines the order and manner of execution, which should be well and prudently established; since the expression of the reasons and their verification pertain to the substance and validity of the dispensation, and if these are lacking, the grace is null and invalid, and does not merit any execution. This, however, most often happens in dispensations, in which the clause is often added: "And if the petitioners were in danger of death," which, since this is often found in dispensations in the first and second degrees, or in some other canonical impediments, without any reason, cause, or truth expressed, the Ordinary of the place, who acts more cautiously and accurately, refuses to execute the dispensation, unless the danger of death is imminent; while others, perhaps misled by a false rumor that such a clause is merely a formality, proceed more leniently than is necessary, without verifying the danger of death with probable arguments, and even when

Translated by churchlatin.ai, a product of Boyne Archives

it is clearly demonstrated to the petitioners that they are at least likely to be in danger of death, they execute the grace of the dispensation. Our predecessor, Pope Pius V, in his constitution, expedited and published by way of a proper process, on December 5th, in the year 1566, the beginning of which is: "As We have learned," decreed that "all and each" procurators, whether of the Sacred Penitentiary, or of the Contradictories, "as well as others, solicitors, and writers, who make a difference in the truth of the matter, from the account given by the parties themselves, as to essential and necessary qualities, or in any way distort, alter, or corrupt it, and who, by deception and fraud, extort graces from the Roman Pontiffs, shall incur the penalty of falsehood, and shall be punished with it in every way." This constitution, although it seems to pertain only to the procurators, solicitors, and writers of the Sacred Penitentiary, where, at that time, matrimonial dispensations were also granted in the external forum, nevertheless, for our pastoral and paternal care, entrusted to us from on high, we urge, warn, and command all and each who manage affairs, procurators, and expediters of "Apostolic Letters, even of our own Datary, that when they are about to present supplications for any matrimonial dispensation, they first of all, above all else, take care to obtain full and exact knowledge of the facts, asking the petitioners themselves whether these and those reasons are present, from which they know that a dispensation is usually granted in this or that degree, and then, in a neatly and clearly written document of the facts, they should... "

[*Latin ed. p. 300*]

Let them explain matters clearly, and let them take great care not to alter, change, invert, or corrupt that which has been explained to them in substantial matters, but rather let them strictly adhere to what the advocates have presented to them, and even more so, let them abstain from introducing anything false or fabricated, devised or conceived by their own ingenuity, in order to more easily obtain the dispensation in their prayers.

Furthermore, let them always keep in mind that they are carrying out their work in ecclesiastical matters in this venerable City, where the seat of truth is, and let them love truth alone, and follow truth, not gain, or the favor of petitioners; and let them diligently see to it that they may not be justly accused of deceit or error to the detriment of their souls, falsely and wrongly asserting causes, and let them understand that the verifications of such causes, according to the disposition of our predecessors, are usually requested and demanded in these matters, in order to maintain the strength of ecclesiastical discipline, and the will of the canonical laws, and the apostolic constitutions, and that they are considered empty formalities, of little or no value, like the formal procedures of Coire.

Moreover, desiring to utterly abolish these grave abuses, by which the honor and dignity of this venerable City are dishonored, and the splendor

Translated by churchlatin.ai, a product of Boyne Archives

and dignity of the Apostolic See are diminished, we, with full knowledge and by the fullness of our apostolic power, extend, enlarge, and produce the aforementioned Constitution of our predecessor, Pope Pius V, to all those who manage affairs, procurators, and executors of apostolic letters of whatever status, rank, and condition, and who are endowed with any indulgence, privilege, or dignity, and, as it is necessary, we present it anew, we establish it, and we renew it; we will and decree that in all the cases expressed above, the penalty for falsehood shall apply to those who are guilty, without prejudice to the obligation of refunding expenses to the advocates who have obtained such dispensations through the fault of others, which cannot be demanded for execution.

Finally, we earnestly request and implore all and each of the venerable Archbishops, Bishops, and local Ordinaries, and all other executors of apostolic letters, to whom the execution of such dispensations is usually entrusted, to diligently and carefully attend before they execute the grace of the dispensation, to whether the causes expressed in the apostolic letters, and the verification of which has been entrusted to their care and vigilance by the Apostolic See, are truly, and securely existent, or whether a false representation has been made to the Apostolic See, and the truth has been concealed: and we charge their conscience with this matter.

And since in the same apostolic letters concerning dispensations in prohibited orders, and other aforementioned impediments, some things have been observed which sometimes present difficulties to the executors, and increase their scruples, it will be the concern of our apostolic solicitude to clarify these matters.

[*Latin ed. p. 301*]

Furthermore, in the same apostolic letters concerning dispensations, to explain and declare more clearly, so that, with all doubt removed, and the causes before the executor of such proofs having been examined and approved in this manner, one may be morally certain of their truth, the apostolic letters concerning matrimonial dispensations may be brought to proper execution without any hesitation. We also command and enjoin our beloved son Pompeius, Cardinal Priest of the title of Saint Eusebius of the Holy Roman Church, known as Aldovrandus, our Prothonotary, and his successors, the Prothonotaries of the apostolic chancery, or the Prothonotaries existing at the time, to punish those found guilty and culpable of the crime of forgery, as alleged, with the penalty of the false accuser, and with the power to summon, even by edict, and to declare and do whatever else is necessary or in any way appropriate in this matter, summarily. Notwithstanding the apostolic constitutions and ordinances, statutes, and customs, and any indulgences and privileges whatsoever, granted, etc., to any persons, even those especially worthy of mention. Given at Rome, near Saint Mary Major, on the fifth day before the Kalends of March, in the year

Translated by churchlatin.ai, a product of Boyne Archives

of the Incarnation of the Lord 1742. In the second year of our pontificate. His Holiness adds the Constitution concerning fasting, which follows: To the Venerable Brothers, Patriarchs, Primates, Archbishops, and Bishops. CLEMENT, PAPA XIII. Venerable Brothers, greetings, and the apostolic blessing. As the sacred season of Lent approaches, which is full of mysteries and precedes the great celebration of Easter, with which all solemnities are consecrated, We urge you, Venerable Brothers, to ensure that the most sacred fast is observed piously and religiously by the faithful, a fast which has been commended by the testimonies of the law and the prophets, consecrated by Christ the Lord, and transmitted by the Apostles, and which the Catholic Church has perpetually maintained, so that, through the mortification of the flesh and the humbling of the soul, we may be better prepared to approach the mysteries of the Lord's Passion and the Paschal sacraments, and to rise again in his resurrection, in whose Passion we are mortified to the old man. With such zeal for maintaining this most holy and salutary institution, our blessed predecessor, Benedict XIV, although he addressed you in two letters in the form of a Brief.

[*Latin ed. p. 302*]

The outstanding zeal of your Congregations has prompted us to address the matter of the observance of the Lenten fast, which has been weakened in some places, so that through your efforts and diligence, it may be restored to its former strictness. For this reason, we have removed certain objections by which the sacred power of fasting is undermined. However, since the enemy of the human race, who is most hateful and insidious, lays so many and constant snares for the flock of the Lord, it is to be feared that the weaker minds may suddenly be presented with new and false arguments, and corrupt customs, by which the severity of the fast, which has recently been restored, may again be weakened. Therefore, we have deemed it necessary to write to you in this matter, and we wish to inform your Congregations, lest any old corruption remain, or any new flaw be introduced, to the detriment of the faithful and the discipline of the Church in this regard. Indeed, our concern in this matter should diminish only to the extent that our solicitude for your pastoral vigilance increases; therefore, whether anything of the old corruption remains after the letters of our predecessor mentioned above, or whether new interpretations of the laws of fasting, or customs that are abhorrent to the true nature and essence of fasting, have been introduced by the perverse ingenuity of human nature, you must take care to eradicate all such things, as far as it is possible with the help of God.

In this regard, we consider it necessary to mention a certain abuse that has come to our attention. Some, to whom dispensation from the abstinence from meat has been granted for just and legitimate reasons, believe that they may take drinks mixed with milk. However, our predecessor

Translated by churchlatin.ai, a product of Boyne Archives

considered that those who are dispensed from the abstinence from meat should be treated in the same way as those who are fasting in any way, except for the permitted single meal, and therefore they should only be allowed to consume meat, or things derived from meat, at the single meal.

However, there is no more convenient, or more promising way to encourage people to observe the sacred law of fasting, than if you teach the people that the penance of a Christian, besides the cessation from sins and the detestation of a previously wicked life, and the sacramental confession of those sins, also requires that we satisfy divine justice through fasts, almsgiving, prayers, and other works of spiritual life; for all iniquity, whether small or great, must be punished, either by the penitent himself, or by God the Avenger; therefore, if we do not wish to be punished by God, we cannot avoid it in any other way than by punishing ourselves. This doctrine, if constantly instilled in the minds of the people, and finally deeply absorbed by the faithful, will certainly make it less to be feared that those who have abandoned their profligate ways and have cleansed their sins through sacramental confession, will not wish to satisfy their carnal desires through fasting.

Furthermore, those who are convinced that they are repenting of their sins less certainly, because they do not believe they will be punished...

[*Latin ed. p. 303*]

Indeed, those who are truly captivated by the love of penance will rejoice, during the Lenten season and other prescribed times, when the Holy Mother Church commands the faithful to fast, seeing it as an opportunity to achieve worthy fruits of penance. And since at no time should one fail to restrain their desires; for it is written: "After concupiscences, not after them, turn away from your will." It is easily possible, especially during the most sacred time of the entire year, to moderate bodily intemperance through fasting, so that the soul, through the grace received, may understand with what compunction it must prepare itself for the most holy mysteries of the Passion, Death, and Resurrection of Jesus Christ. Therefore, touched by the incentives of penance, let them seek fewer delicacies at the table, and pursue less the delights of the senses, which, although they may seem to differ little from abstinence from forbidden foods, yet those who indulge in them, one might rightly say, have not so much rejected accustomed pleasures as have directed their desire towards unusual temptations. Finally, let them not seek excuses to avoid fasting, nor strive with cunning to violate the ecclesiastical law. Therefore, it is your duty, venerable Brothers, to lead the people by example as well as by word, so that they may instill in their hearts a desire and love for penance, so that, eagerly embracing the fast, they may observe it according to the laws prescribed by the Holy Church, and also sanctify it with almsgiving and prayer; and, finally, let them achieve what is most important for the Church, that, having mortified the body and united

Translated by churchlatin.ai, a product of Boyne Archives

with Christ, they may be renewed to a new life in the paschal solemnity, and may, with great confidence, meet the resurrected Christ, the Lord. May the grace of our Lord Jesus Christ be with you all, and may we impart to you, most beloved, our apostolic blessing, as a pledge of our benevolence and love. Given in Rome, at Saint Mary Major, on the twentieth day of December, in the year 1759, in the second year of the pontificate of Leo XII, according to the constitution of March 4, 1825, by which secret and clandestine sects are condemned: also included are the constitutions on this matter of Clement XII, Benedict XIV, and Pius VII. (1). Leo, Bishop, Servant of the Servants of God, for the perpetual memory of this matter. How much more grievous are the evils that the Christ of God and our Savior inflicts upon His flock! (1) This was not added by the author, but by the editor of this latest edition, because it is more relevant and frequently encountered. Ed.

[*Latin ed. p. 304*]

The Roman Pontiffs, who are charged with the care and governance of the flock entrusted to them by the blessed Apostle Peter, the prince of the Apostles, ought to exercise greater diligence in guarding against these dangers. For it pertains to those who are placed in the highest position in the Church to foresee the snares that the enemies of the Christian name devise to destroy the Church of Christ (which, however, they will never achieve), and then to make these known to the faithful, so that they may be on their guard against them, and also to thwart and destroy them by their authority. Understanding this most important duty that has been entrusted to them, our predecessors, the Roman Pontiffs, have vigilantly watched over their flock, and have striven to prevent and utterly destroy the sects that threaten the ultimate ruin of the Church, through exhortations, teachings, decrees, and even by sacrificing their very lives for their sheep. The memory of this solicitude on the part of the papacy cannot be erased from the annals of the Church. What was accomplished by the Roman Pontiffs in our time and in the time of our fathers, in order to vigorously oppose the secret societies of men who are hostile to Christ, clearly demonstrates this. For example, our predecessor, Pope Clement XII, when he saw that a new sect, called the "liberi muratori," or "des francs-maçons," or by some other name, was growing stronger day by day, and which he had certainly and with many arguments known to be not only suspect but also entirely hostile to the Catholic Church, condemned it with a clear constitution, entitled "In Eminenti," issued on the first day of May in the year 1738. The text of which is as follows: Clement, Bishop, Servant of the Servants of God, to all the faithful of Christ, greetings and the apostolic blessing. From the high vantage point of the apostolate, with merits that allow it, by the divine providence of clemency, we, according to the duty of pastoral care owed to us, constantly devote our attention, as far as is permitted from above, to

Translated by churchlatin.ai, a product of Boyne Archives

those matters through which, by barring the entrance to errors and vices, the integrity of the orthodox religion may be preserved above all, and from which the entire Catholic world may be protected from the dangers of these difficult times. It has come to our knowledge, through public reports, that certain societies, groups, assemblies, collections, aggregations, or gatherings, commonly called the "liberi muratori," or "des francs-maçons," or by some other name according to the variety of dialects, are spreading far and wide and are growing stronger day by day, in which men of any religion and sect, affected by a certain appearance of natural honesty, are associated with each other by a close and impenetrable bond, according to laws and statutes established for themselves; and that these, while operating secretly, also...

[*Latin ed. p. 305*]

By oath, sworn upon the Holy Scriptures, and by the exaggeration of grave penalties, they are bound to maintain inviolable silence. But since it is the nature of this wickedness to reveal itself and to utter the cry of its own guilt, these societies or gatherings have so deeply instilled suspicion in the minds of the faithful that, among prudent and upright individuals, to give these associations a name is entirely to incur the mark of wickedness and perversion; for if they did not act wickedly, they would certainly not have such hatred of the light. This rumor has grown so much that in many regions, these aforementioned societies have long since been proscribed and eliminated by the authorities of the time, as being detrimental to the security of the kingdoms. Therefore, desiring to avert the most serious damages that are inflicted, both upon the tranquility of the temporal order and, indeed, upon the salvation of souls, by these kinds of societies or gatherings, and therefore adhering most strictly to the civil and canonical sanctions; while being taught by divine eloquence to watch day and night (as a faithful and prudent servant, and as the head of a domestic family), lest this kind of people, like thieves, pierce the house, and, like foxes, attempt to destroy the vineyard, lest they corrupt the hearts of the simple and shoot arrows at the innocent in secret; and in order to block the widest path, which could be opened for the unpunished perpetration of injustices, and for other just and reasonable reasons known to us, we decree and decide, with the advice of some of our most venerable Brothers, Cardinals of the Holy Roman Church, and also by our own initiative, and by the fullness of our apostolic power, that these societies, gatherings, assemblies, collections, associations, or gatherings of the "free masons," or "freemasons," or by whatever other name they may be called, are to be condemned and prohibited, as is stated in the present constitution, which we hereby make perpetual. Therefore, to all and each of the faithful of Christ, of whatever state, rank, condition, order, dignity, and eminence, whether lay or clerical, both secular and regular, and with specific and in-

Translated by churchlatin.ai, a product of Boyne Archives

dividual mention and expression worthy of them, we strictly and, in virtue of holy obedience, command that no one, under any pretext or pretense, should dare or presume to enter, or propagate, or foster, or receive, or conceal, or associate with, or participate in, or grant power or convenience for others to be convened, or to provide anything to them, or in any way publicly or secretly, directly or indirectly, by themselves or by others, to render counsel, assistance, or favor to these societies of the free masons, or freemasons, or others so named, or to encourage, induce, provoke, or persuade others to join, or be numbered among, or participate in these societies, or to help or promote them in any way, but rather

[*Latin ed. p. 306*]

From these same societies, groups, assemblies, collections, aggregations, or gatherings, they must entirely abstain, under the penalty of excommunication, which all those who transgress above incur by this very act, and without any declaration, from which no one, by anyone, except by us or the Roman Pontiff currently in office, except when at the point of death, can obtain the benefit of absolution. We decree and command that both Bishops and superiors, prelates, and all local ordinaries, as well as those appointed everywhere to investigate cases of heretical depravity, proceed against the transgressors, whatever their rank, status, condition, order, dignity, or eminence may be, and punish them as if they were strongly suspected of heresy, with fitting penalties, and that they compel them: for to each and every one of them, against these same transgressors, we grant and command the free faculty and authority to proceed and investigate, and to compel and punish them with fitting penalties, even invoking, if necessary, the aid of secular authority. Moreover, we decree that, even from these present documents, transcribed, signed by the hand of a public notary, and sealed with the seal of a person holding an ecclesiastical office, the same faith be given to them, as would be given to the original documents themselves, if they were exhibited or shown. Therefore, no human being is permitted to violate this page of our declaration, condemnation, mandate, prohibition, and interdiction, or to dare to contradict it with reckless audacity: if anyone should presume to attempt this, let them know that they will incur the wrath of the Almighty God and of the blessed Apostles Peter and Paul. Given at Rome, at the Basilica of Saint Mary Major, in the year of the Incarnation of the Lord one thousand seven hundred and thirty-eight, on the fourth day before the Kalends of May, in the eighth year of our pontificate. However, these things were not sufficient for Benedict XIV, also our predecessor of blessed memory. For it had been spread by the words of many that the penalty of excommunication, widely proclaimed in the letters of Clement, who had recently died, had already lapsed, because Benedict had not clearly confirmed those letters. It was certainly absurd to contend that the laws of former Pontiffs become obsolete unless

Translated by churchlatin.ai, a product of Boyne Archives

expressly approved by their successors: and moreover, it was manifestly clear that Benedict had often held Clement's constitution to be valid. Nevertheless, Benedict judged that this cavillation also should be removed from the hands of the sectarians, and issued a new constitution, beginning with "Providas," on the fifteenth day before the Kalends of April, in the year one thousand seven hundred and fifty-one, in which he confirmed Clement's constitution in the very same words, in a form (as they say) that is specific, which is considered by all to be the most complete and effective. Such is the constitution of Benedict:

[*Latin ed. p. 307*]

Benedict, Bishop, Servant of the Servants of God, for the perpetual and lasting memory. We fear not only that the laws and decrees of our Roman predecessors, those wise and prudent pontiffs, may be weakened or extinguished by the passage of time or the negligence of men, but we also believe that those laws and decrees which still possess full force and vigor, and which are required by just and weighty reasons, should be strengthened and confirmed by the new authority of Our own power. Indeed, our blessed predecessor, Pope Clement XII, through his apostolic letters dated in the year of the Incarnation of the Lord one thousand seven hundred and thirty-eight, on the fourth day before the Kalends of May, in the eighth year of his pontificate, addressed to all the faithful of Christ, the beginning of which is "In eminenti," and in which he condemned and forbade certain societies, groups, assemblies, collections, gatherings, or congregations commonly known as "the free masons," or otherwise called, which were then widely spread in some regions and were increasing day by day, and commanded all and each of the faithful of Christ, under pain of excommunication, which would be incurred by such an act without any declaration, that no one should be absolved from this excommunication except by the Roman Pontiff then in existence, except in the case of death, lest anyone should dare or presume to enter, or spread, or foster, or receive, or associate with, or join, or attend, or otherwise, as is more fully and abundantly contained in the same letters, the tenor of which is as follows, namely, etc., etc.

Now, it has come to our attention that some have not hesitated to assert and publicly boast that the aforementioned penalty of excommunication, imposed by our predecessor (as it is said), no longer applies, because the aforementioned constitution has not been confirmed by us, as if the successor of the Pontiff requires an explicit confirmation of the validity of the apostolic constitutions issued by his predecessor. And it has also been suggested to us by some pious and God-fearing men that it would be very beneficial to declare, in order to refute all the subterfuges of the slanderers and to demonstrate the uniformity of our mind and will with that of the aforementioned predecessor, that we would add a new confirmation to

Translated by churchlatin.ai, a product of Boyne Archives

the constitution of that predecessor. Therefore, although until now, while many of the faithful of Christ have truly repented and grieved for having violated the laws of the aforementioned constitution, and have sincerely professed that they will completely withdraw from and never return to those societies or gatherings, we have graciously granted them absolution from the incurred excommunication, either before or especially after the Jubilee year, or while...

[*Latin ed. p. 308*]

We communicated this to those entrusted with hearing confessions, so that they might grant the same absolution to those penitents who sought their help, in our name and with our authority. At the same time, we did not neglect diligent and watchful care, so that those who violated this constitution might be brought to justice by competent judges and tribunals, which, in fact, was often provided by them. We have presented not merely probable, but plainly evident and undeniable arguments, from which our sentiments and our firm and deliberate will regarding the censure imposed by our predecessor Clement, as has been reported, should clearly be understood. If, however, any contrary opinion were to be circulated about us, we could safely disregard it, and we would leave our cause to the just judgment of Almighty God, using those words which are known to have been recited in the sacred rites: "We beseech you, O Lord, that we may not care for the reproach of the reprobate: but, by the same wickedness, we implore you, that you may not allow us to be torn by unjust torments, nor entangled by deceitful flatteries, but rather that you may love what you command." As the ancient Missal, attributed to our holy predecessor St. Gelasius, and published by the venerable Servant of God, Joseph Maria Cardinal Thomas, states in the Mass against the reprobate: "Let not anything be omitted by us, which could be said to have been overlooked, so that we might easily deprive lying calumnies of fuel and silence their mouths." However, lest anything be said by us that might be considered overlooked, which could easily provide fuel for false accusations and silence their mouths, after consulting with the advice of some of our most venerable brothers, Cardinals of the Holy Roman Church, we have decreed to confirm, in the present document, as stated above verbatim, the same constitution of our predecessor, in a specific form (which is considered the most comprehensive and effective). As we, with certain knowledge and the fullness of our apostolic authority, confirm, strengthen, and renew these present letters in all things and through all things (as if they had been first promulgated by our own decree, authority, and name), and we intend and decree that they shall have perpetual force and efficacy. Furthermore, among the most serious causes of the aforementioned prohibition and condemnation, stated in the preceding constitution, is the fact that in such societies and gatherings, people of any religion or sect associate with each other: from which it is clearly

Translated by churchlatin.ai, a product of Boyne Archives

evident how much harm can be done to the purity of the Catholic Religion. Another cause is the strict and impenetrable bond of secrecy, by which those things that are done in such gatherings are concealed: therefore, the opinion put forth by Cœcilius Natalis apud Minucium Felicem (in a different case, indeed) can rightly be praised: "Honest things always enjoy publicity, while wicked things are hidden." A third cause is the oath by which they bind themselves to maintain this secret inviolably: as if it were permissible for anyone to defend himself by the pretext of any promise or oath, when questioned by legitimate authority, to confess everything.

[*Latin ed. p. 309*]

It is necessary to investigate whatever may be discovered to determine whether anything is done in such gatherings that is contrary to the state of religion or the laws of the republic. Fourthly, such societies are recognized as being opposed by both civil and canonical sanctions: for, according to civil law, all colleges and associations, except those associated with public authority, are prohibited, as can be seen in Book XLVII, Title XXII of the Pandects, concerning illicit colleges and bodies, and in the famous letter of C. Pliny the Younger to Trajan, which is Book X, Letter 97, in which it is stated that, by order of the emperor, the Hetæræ were forbidden, that is, societies and gatherings that were held without the authority of the prince. Fifthly, it has already happened in several regions that these societies and associations of secular princes have been proscribed and eliminated by law. Finally, among prudent and upright men, these same societies and associations were viewed with disfavor, and those who gave them the same names were considered to be marked by wickedness and perversion. Finally, the aforementioned predecessor, in the aforementioned constitution, urges bishops and other superiors and local ordinaries to not neglect to invoke the aid of the secular arm for the execution of these measures (if necessary). All of these things, both individually and collectively, are not only approved and confirmed by us, and are likewise commendated and enjoined to the respective ecclesiastical superiors, but we ourselves, for the sake of our apostolic solicitude, invoke and earnestly request the aid and support of all Catholic princes and all secular powers, with regard to the execution of the aforementioned measures: because these very princes and powers have been chosen by God as defenders of the faith and protectors of the Church, and therefore it is their duty to strive, by all suitable means, to ensure that due obedience and all manner of observance are given to the apostolic constitutions, as the Fathers of the Council of Trent, in Session 25, Chapter 20, declared most clearly, and as the Emperor Charles the Great had declared excellently long before, in his capitularies, Title I, Chapter 2, where, after demanding that all his subjects observe ecclesiastical sanctions, he added: "For in no way can we acknowledge that those are faithful to us who appear to be unfaithful to God and disobedient to their priests.

Translated by churchlatin.ai, a product of Boyne Archives

Therefore, commanding all the officials and ministers in his dominions, to compel all to exhibit due obedience to the laws of the Church, he also imposed very severe penalties on those who neglected to do so, adding among other things: "But those who are found to be negligent in these matters, or disobedient to them, let them know that they will not retain honors in our empire, even if they are our own sons, nor a place in the palace, nor with us or with..."

[*Latin ed. p. 310*]

They will have no connection with our society or any community, but rather will suffer under the jurisdiction and severity of punishments. We desire, however, that the same faith be entirely applied to these present documents, even when copied, with the hand of another public notary, and sealed with the seal of a person in an ecclesiastical office, as would be applied to the original letters themselves, if they were presented or shown. Therefore, no one is permitted to violate this page of our confirmation, innovation, approval, commission, invocation, request, decree, and will, or to dare to contradict it with reckless audacity: if anyone should presume to attempt this, let them know that they will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul.

Given in Rome, at the Basilica of Saint Mary Major, in the year one thousand seven hundred and fifty-one of the Incarnation of the Lord, on the fifteenth day before the Kalends of April, in the eleventh year of our pontificate. Oh, that those who held power at that time had enacted such decrees, as the salvation of the Church and the state demanded! Oh, that they had understood that in the Roman Pontiffs, the successors of the blessed Peter, they must not only see pastors and teachers of the entire Church, but also zealous defenders of their dignity and most diligent guardians against the dangers that loomed! Oh, that they had used that power to eradicate the sects, whose pestiferous designs had been revealed to them by the Apostolic See! They would have completely resolved the matter from that time. But, whether through the cunning concealment of their affairs by the sectaries, or through the persuasion of some imprudent individuals, they judged this matter to be one to be neglected, or at least treated very lightly, and from those ancient Masonic sects, which never cooled, many others arose, far worse and more audacious. All of these, as it were, were embraced by the sect of the Carbonari, which was the chief among the others in Italy and in some other regions, and was divided into various branches with slightly different names, and undertook to attack the Catholic Religion most fiercely, and also the supreme civil and legitimate authority. In this calamity, Pope Pius VII, of blessed memory, to whom we are devoted, condemned the sect of the Carbonari, whatever name it might be called by, according to the customs, dialects, and people of the place, with the most severe penalties, by a Constitution issued on the Kalends of

Translated by churchlatin.ai, a product of Boyne Archives

September in the year one thousand eight hundred and twenty-one, the beginning of which is: "Ecclesiam à Jesu Christo." We also believe that an example of this should be included in our present letters, which is as follows:

[*Latin ed. p. 311*]

Pius, Bishop, Servant of the Servants of God, for the perpetual memory of this matter. The Church, founded by Jesus Christ, our Savior, upon a firm rock, and against which He Himself promised that the gates of hell shall never prevail, has been attacked so often and by such formidable enemies that, were it not for that divine and immutable promise, it would seem to be feared that, either by force or by cunning or by deceit, it might be utterly destroyed. What has happened in the past, has also, and indeed especially, occurred in this our age, which seems to be that very last time foretold by the Apostles (1), when deceivers will come, walking according to their own desires in wickedness. For it is no secret that a great multitude of wicked men have come together in these difficult times, united against the Lord and against Christ His own, and they will be those who, having deceived the faithful through philosophy and empty deception (2), and having torn them away from the doctrine of the Church, will attempt to undermine and overthrow the Church itself (though with a futile effort). To achieve this more easily, many of them have formed secret and clandestine sects, from which they hope to draw many into their conspiracy and wickedness. Long ago, this Holy See, having discovered these sects, denounced them openly and loudly, and revealed the plans that they had secretly devised against religion, and indeed even against civil society. Long ago, it aroused the vigilance of all, so that these sects might not be allowed to achieve what they wickedly contemplated. But it is to be lamented that these efforts of the Apostolic See have not produced the result that it hoped for, and that the wicked men have never abandoned their evil designs: and therefore, the consequences have been those that we ourselves have witnessed: indeed, men, whose pride has always soared, have dared to form new secret societies. It must be remembered at this time the society that has recently arisen, and has been widely spread in Italy and in other regions, which, although divided into several sects, and sometimes assuming different and distinct names according to their variety, is nevertheless one in its sentiments and actions, and is usually called the Carbonari. They indeed feign a special devotion and a certain marvelous zeal for the Catholic religion, and for the person and doctrine of Jesus Christ, our Savior, whom they even dare to call, in a wicked way, the leader and great master of their society.

(1) In the epistle of St. Jude the Apostle, verse 18.

Translated by churchlatin.ai, a product of Boyne Archives

(2) Colossians II. 8.

[*Latin ed. p. 312*]

These are those who, appearing to be softened by oil, are in reality nothing other than darts aimed at wounding the less cautious, employed by cunning men who come in sheep's clothing, but inwardly are ravenous wolves. Indeed, that most severe oath, by which, largely imitating the ancient Priscillianists, they promise that they will never, at any time or in any circumstance, reveal to those not belonging to their society anything concerning that society, nor will they communicate to those in lower ranks anything pertaining to higher ranks; furthermore, those clandestine and illegitimate gatherings, which are used by many heretics, which they themselves hold, and the enrollment of people of any religion and sect into their society; even if these things were lacking, it is sufficient to persuade that no credence should be given to their words. But conjectures and arguments are needed, as indicated above, to judge their words. The books published by them, in which the method is described that is commonly used in the gatherings of the higher ranks, their catechisms and statutes, and other authentic and very important documents for the formation of faith, as well as the testimonies of those who, having deserted the society to which they had previously adhered, have revealed its errors and deceptions to legitimate judges, clearly demonstrate that the Carbonari aim above all to give everyone great license to invent their own religion (which they worship) according to their own ingenuity and their own opinions, inducing indifference in religion, with which scarcely anything more pernicious can be conceived; to profane and pollute the Passion of Jesus Christ through certain of their nefarious ceremonies; to despise the sacraments of the Church (which they seem to replace with new ones invented by them with the utmost wickedness) and the very mysteries of the Catholic religion; and to overthrow this Apostolic See, which, because in it the principate of the Apostolic See has always flourished (4), they are singularly hated, and they plot pestilent and harmful things. Moreover, as is evident from the same monuments, the precepts concerning morals that the society of the Carbonari transmits are wicked: although they confidently boast that they demand of their followers that they cultivate and practice charity and all kinds of virtues, and that they abstain diligently from all vice. Therefore, they impudently favor lascivious pleasures: they teach that it is permissible to kill those who have not kept the secret mentioned above. And although the prince of the Apostles, Peter (2), commands that Christians should be subject to all human creatures for the sake of God, whether to a king as a pre-eminent person, or to rulers as sent by him, etc.; and the Apostle Paul (3) commands, let every soul be subject to the powers (1) S. Aug. epist. 55.

Translated by churchlatin.ai, a product of Boyne Archives

(2) 1 Peter II, 18. (3) Romans XIII, 15.

[*Latin ed. p. 313*]

This society is subject to the most exalted considerations; nevertheless, it teaches that it is right to overthrow kings and other rulers, whom it dares to call tyrants with the utmost injustice, using its own power. These and other doctrines and precepts of this society have given rise to the recent misdeeds committed in Italia by the Carbonari, which have caused such great sorrow to honest and pious men. We, therefore, who are appointed as watchmen of the house of Israel (which is the holy Church), and who, by our pastoral office, must take care that the flock entrusted to us by divine providence suffer no harm, considered that in so grave a matter we could not abstain from restraining the impure endeavors of these men. Moreover, we were moved by the happy memory of Clement XII and Benedict XIV, our predecessors, of whom one, on the fourth of the Kalends of May in the year one thousand seven hundred and thirty-eight, by the Constitution *In Eminenti*, and the other, on the fifteenth of the Kalends of April in the year one thousand seven hundred and fifty-one, by the Constitution *Providas*, condemned and forbade the societies of the Free Masons, or those called by other names according to the variety of regions and languages, and whose society this Carbonari society is perhaps the offspring of, or certainly an imitation of. And although we have not yet explicitly forbidden this society by two edicts proposed through our Secretariate of State, nevertheless, following our aforementioned predecessors, we deem it necessary to impose severe penalties on this society with greater solemnity, especially since the Carbonari openly contend that they are not included in the two Constitutions of Clement XII and Benedict XIV, nor are they subject to the sentences and penalties contained therein. Therefore, after a select Congregation of our Venerable Brothers, the Cardinals of the Holy Roman Church, and with their counsel, and also by our own initiative, and from our certain knowledge and mature deliberation, and by the fullness of our apostolic power, we declare that the aforementioned society of the Carbonari, or by whatever name it may be called, its gatherings, assemblies, collections, and groups, are to be condemned and prohibited, as we hereby condemn and prohibit them, according to the terms of this our Constitution, which shall remain perpetually in force. Wherefore, we strictly command, in virtue of holy obedience, to all and each of the faithful of Christ, of whatever state, degree, condition, order, dignity, and eminence, whether lay or clerical, both secular and regular, even with specific and individual mention and expression worthy of them, that no one, under any pretext or pretense, dare or presume to enter, or propagate, or foster, or receive and conceal, the aforementioned society of the Carbonari, or any other similarly named

Translated by churchlatin.ai, a product of Boyne Archives

group, or any of its members.

[*Latin ed. p. 314*]

be admitted, be aggregated, or participate in, or to exercise influence or provide benefit so that someone might be summoned, to minister to them in some way, or to offer counsel, assistance, or favor, openly or secretly, directly or indirectly, by themselves or through others, in any manner whatsoever; and also to urge, induce, provoke, and persuade others to be admitted to this society or to any group of the same rank, to be included in it, or to participate in it, or to promote and foster it in any way, but they must absolutely abstain from any association with this society and its groups, gatherings, aggregations, or assemblies, under pain of excommunication, which all those who violate the foregoing incur by the very act, without any declaration, from which no one, by anyone, except by us or the Roman Pontiff currently in office, except in articulo mortis, can obtain the benefit of absolution. Furthermore, we command all, under the same penalty of excommunication, reserving this to ourselves and to the Roman Pontiffs who shall succeed us, to report to the Bishops, or to others to whom it pertains, all those whom they know to have given this society a name, or who have stained themselves with any of the crimes mentioned herein. Finally, in order that all danger of error may be more effectively avoided, we condemn and prohibit all catechisms and books, as they are called, of the Carbonari, in which the Carbonari describe what is done in their assemblies, as well as their statutes, codes, and all books written in their defense, whether printed or manuscript, and we forbid all the faithful, under the same penalty of major excommunication, in the same manner reserved, to read or retain these books mentioned, and we command that they be delivered entirely to the local Ordinaries or to others to whom the right to receive them belongs. We decree that the same faith be entirely given to these present letters of ours, even when printed, as if they were handwritten, signed by a public notary, and sealed with the seal of a person holding an ecclesiastical office, as would be given to the original documents if they were presented or shown. Therefore, no one is permitted to violate this page of our declaration, condemnation, mandate, prohibition, and interdiction, or to dare to contradict it rashly: but if anyone should presume to attempt this, let them know that they will incur the wrath of the Almighty God and of the blessed Apostles Peter and Paul. Given at Rome, at the Basilica of Saint Mary Major, in the year of the Incarnation of the Lord one thousand eight hundred and thirty-one, on the Kalends of September, in the twenty-second year of our pontificate. Not long after this constitution was issued by Pius VII, we were raised to the supreme chair of Saint Peter, not through our own merits, and

Translated by churchlatin.ai, a product of Boyne Archives

we continue to devote all our efforts to discovering who...

[*Latin ed. p. 315*]

What is the state of clandestine sects, what is their number, and what is their power? In inquiring into these matters, we easily understand that their audacity has grown; especially due to their increased numbers, augmented by new sects. Of these, one is particularly noteworthy, which is called the "university" sect, which has its seat and dwelling in several universities, where young men are initiated into its mysteries (which truly deserve to be called the mysteries of iniquity) by some teachers, who do not seek to instruct them, but to corrupt them, and are incited to every wickedness. Furthermore, even after the time when the flames of heresy were first kindled in Europe by clandestine sects through their adherents, and after the most powerful European princes achieved glorious victories, in which it was hoped that these sects would be suppressed, their nefarious efforts have not yet ceased. In those very regions where it seems that the storms of the past have subsided, what fear is there of new disturbances and seditions, which these sects constantly strive to create? What impious terror do they inspire in those whom they secretly stab in the back, those whom they have marked for death? How often, and how grievously, are those who hold power compelled, or even unwillingly, to decide matters in order to protect public tranquility? Furthermore, there exist the most grievous calamities, by which the Church is almost everywhere afflicted, and which we cannot, without sorrow, indeed without grief, mention. Her most sacred dogmas and precepts are most impudently attacked: her dignity is diminished: and that peace and happiness, which she ought, in a certain sense, to enjoy, is not merely disturbed, but utterly destroyed. And it must not be thought that all these evils, and others which we have omitted, are falsely and slanderously attributed to these clandestine sects. Books which those who have given their names to these sects have not hesitated to write on religion and the state, in which they despise dominion, blaspheme majesty, and declare Christ either a scandal or a folly, and indeed, they do not rarely teach that there is no God, and that the human soul, along with the body, perishes; codes and statutes, by which they explain their plans and institutions, openly declare that all that we have already mentioned, and that which pertains to undermining legitimate authority and utterly destroying the Church, originates from them. And it must be considered as certain and thoroughly investigated that these sects, although diverse in name, are bound together by the nefarious bond of the most impure designs. Since this is so, we consider it our duty to condemn these clandestine sects, and to do so in such a way that none of them can claim that they are not included in our apostolic judgment, and to use this pretext to lead unwary and less discerning people into error. And by the advice of our venerable brothers, the Cardinals of the Holy Roman Church, and also by

Translated by churchlatin.ai, a product of Boyne Archives

a decree of our own, and with certain knowledge and mature deliberation.

[*Latin ed. p. 316*]

Therefore, we perpetually condemn all secret societies, whether those that exist now, or those that perhaps will arise in the future, and those that propose themselves against the Church and the supreme civil authorities, as we have mentioned above, whatever name they may be called, under the same penalties that are contained in the letters of our predecessors, which have already been cited in this constitution, which we expressly confirm. Wherefore, to all and each of the faithful of Christ, of whatever state, rank, condition, order, dignity, and eminence, whether lay or clerical, both secular and regular, even with specific and individual mention and expression worthy of consideration, we strictly and by virtue of holy obedience command that no one, under any pretext or color, dare to enter, or propagate, foster, or harbor in their houses or elsewhere, or conceal, those aforementioned societies, whatever name they may be called, or to associate with them, or to grant them power or convenience so that they may be convened somewhere, or to provide them with anything, or to offer them, openly or secretly, directly or indirectly, through themselves or through others, in any way, nor also to urge, induce, provoke, or persuade others to join, or be numbered among, or participate in, such societies, or to help or promote them in any way, but rather that they must entirely abstain from those societies, their gatherings, assemblies, aggregations, or meetings, under the penalty of excommunication, which all those who act contrary to the foregoing incur by themselves, without any declaration being required, from which no one, except by us or the Roman Pontiff for the time being, except when at the point of death, may obtain the benefit of absolution. Furthermore, we command all, under the same penalty of excommunication, that they are bound to report to the Bishops, or to others to whom it pertains, all those whom they know have given a name to these societies, or who have stained themselves with any of the crimes that have just been mentioned, to those societies. Moreover, that impious and plainly wicked oath, by which those who are enrolled in these sects bind themselves, which forbids them to reveal anything pertaining to those sects, and which threatens with death all members who reveal anything to their superiors, whether ecclesiastical or lay, we utterly condemn and declare to be null and void. For what? Is it not an outrage that an oath, which ought to be pronounced in justice, should be a bond by which one obligates oneself to commit an unjust act, and to despise the authority of those who have the right, whether with the Church or with the legitimate civil society, to know those things by which the safety of those institutions is maintained? Is it not the most unjust and most unseemly thing to treat God Himself as

Translated by churchlatin.ai, a product of Boyne Archives

if He were a perpetrator of crimes?

[*Latin ed. p. 317*]

Are we to be called witnesses and guarantors? Most correctly, the Fathers of the Council of Lateran III, in Canon 3, say: "For oaths are not to be given, but rather perjuries, which are contrary to the good of the Church and the most holy institutions of the Fathers." And intolerable is the impudence or madness of those men who, when they say not only in their hearts but also openly and in public writings that there is no God, dare to demand oaths from all those who follow their sect. These things have been established by us to suppress and condemn these furious and wicked sects. Now, however, we do not merely request, but we implore your assistance, venerable Brothers, Catholic Patriarchs, Primates, Archbishops, and Bishops, to whom the Holy Spirit has placed you as shepherds to govern the Church of God. Indeed, ravenous wolves will attack you, sparing neither the flock: but do not be afraid, nor make your lives more precious than they are. Know that a great part of the constancy of those people entrusted to you in religion and in righteous deeds depends on you: for although we live in these evil days, and in this time when many cannot endure sound doctrine, yet the observance of their pastors endures among many faithful, whom they rightly suspect to be the ministers of Christ and the dispensers of his mysteries. Therefore, use this authority for the benefit of your sheep, which you hold in their minds through the immortal grace of God. Let them know through you the deceptions of the sects, and how diligently they must avoid them and their customs. Let them be horrified by the perverse doctrine of those who, as your authors and teachers, mock the most holy mysteries of our religion and the purest precepts of Christ, and who oppose all legitimate authority. And let us be filled, I implore you, with the strength of the Lord, with judgment, and with virtue, as our predecessor Clement XIII said in his encyclical letter to all the Patriarchs, Primates, Archbishops, and Bishops of the Catholic Church, on September 14, 1758, lest we, like mute dogs unable to bark, allow our flocks to be plundered, and our sheep to be devoured by all the beasts of the field. Let nothing deter us from offering ourselves in all struggles for the glory of God and the salvation of souls. Let us remember him who endured such opposition from sinners. For if we endure the audacity of the wicked, then it is a matter of the vigor of the episcopate, and of the sublime and divine power of governing the Church: and Christians can neither endure nor exist any longer if it has come to this, that we are afraid of the threats or intrigues of the wicked. With the greatest zeal, we commend your efforts, most beloved sons in Christ, our Catholic princes, whom we love with a

Translated by churchlatin.ai, a product of Boyne Archives

singular and entirely paternal love. Therefore, we remind you of this.

[*Latin ed. p. 318*]

The words which Leo the Great used when writing to Emperor Leo: "You must diligently bear in mind that royal power has been conferred upon you not only for the governance of the world, but above all for the protection of the Church, so that you may defend the sacred laws by suppressing the wicked, and restore true peace to those who are disturbed. Although the matter at hand is different at this time, so that not only the Catholic Religion must be defended, but also your own safety and the safety of the peoples subject to your rule, those sects which you must suppress. For the cause of religion is so closely linked with the well-being of society at this time, that in no way can one be separated from the other. For those who follow those sects are enemies not only of your religion, but also of your power, attacking both and striving to undermine both completely. And they would not tolerate it if either religion or any royal power could survive. And the cunning of the most astute men is so great that, while they seem to be striving for the advancement of your power, they are in fact primarily seeking its overthrow. They teach many things, as they suggest, to diminish and weaken the power of our Church and of the Bishops, and to transfer more rights from those which are properly belonging to this apostolic see and to the principal Church, and from those which belong to the Bishops who are called to participate in our care. But these things they teach not only from the most vile hatred that inflames them towards religion, but also from the following design, that they may hope that the nations subject to your rule, if they should perceive the boundaries of what is sacred, which Christ and the Church instituted, will easily be led by this example to change and destroy the very form of political government. And you also, O beloved sons, who profess the Catholic Religion, let us pray and exhort you with special earnestness. Avoid entirely those men who put darkness for light, and light for darkness. For what true benefit can arise for you from association with men who consider that no account must be given to God, or to any higher powers, who seek to bring war upon them through intrigues and secret meetings, and who, even in public, claim to be the most devoted lovers of the public good and of society, yet who, by all their actions, have already declared that they wish to disrupt and destroy everything. These are the men to whom John, in his second epistle, chapter X., forbids giving hospitality, nor saying "Hail," and whom our ancestors did not hesitate to call the firstborn of the devil. Therefore, beware of their flattery and their honeyed words, with which they will persuade you to give names to those sects to which they themselves belong. Be certain..."

[*Latin ed. p. 319*]

No one can be part of these sects without being guilty of the most

Translated by churchlatin.ai, a product of Boyne Archives

grievous sins: and the words of those who, in order to gain your assent to the lower ranks of their sects, vehemently assert that nothing contrary to reason, nothing contrary to religion, is admitted in those ranks, indeed nothing is preached or taught that is not holy, righteous, and undefiled, must be repelled from your ears. For that infamous oath, which has already been mentioned, and which must also be sworn in that very lower rank, is sufficient to make it clear that even in those lower ranks, it is a wickedness to be involved. Furthermore, although the more serious and heinous things are not usually entrusted to those who have not attained the higher ranks; it is clearly evident that the power and audacity of these pernicious societies grow from the consent and multitude of all who have given them their name. Therefore, even those who have not gone beyond those lower ranks should be considered participants in those crimes. And upon them falls the Apostle's words to the Romans, chapter 4: "Who, having known the justice of God, did not understand that they who do such things, are worthy of death: and not only they that do them, but they also that consent to them that do them." Finally, we earnestly call to us those who, having already been enlightened, and having tasted the heavenly gift, and having become partakers of the Spirit of God, have nevertheless fallen into the greatest misery, and follow those sects, whether they are in the lower or higher ranks. Acting in the place of him who professed that he had not come to call the righteous, but sinners, and who compared himself to a shepherd who, having left the rest of the flock, diligently seeks the sheep that was lost; we urge and beseech them to return to Christ. For although they may have defiled themselves with the greatest crime, they should not despair of the mercy and clemency of God and of Jesus Christ, His Son. Therefore, let them finally return, and again flee to Jesus Christ, who has also suffered for them, and who will not only not despise their repentance, but, like a most loving father who has long awaited his prodigal sons, will gladly receive them. We, for our part, in order to encourage them as much as we can, and to make the way to repentance easier for them, suspend for the entire space of a year, after the publication of these our apostolic letters in the region in which they live, the obligation of denouncing their associates in those sects, and also the censures into which those who give their names to those sects have fallen, declaring that even those who have not denounced their accomplices can be absolved from those censures by any confessor, provided that he is among those approved by the local Ordinaries. We also establish this same facility for those who may live in the City. But if anyone of those to whom we are now speaking should be so stubborn (may God, the merciful Father, avert this), as to let that period of time that we have designated pass, without abandoning those sects and truly repenting; then, with the lapse of that time, the obligation

Translated by churchlatin.ai, a product of Boyne Archives

of denouncing accomplices and

[*Latin ed. p. 320*]

The reservation of censures shall be revived against him, and he will not be able to obtain absolution henceforth, unless he previously denounces his accomplices, or at the very least, makes an oath concerning them; nor can he be absolved from these censures by anyone other than us, or our successors, or by those who have obtained from the Apostolic See the faculty to absolve him from the same. We decree that, as regards copies of these present letters, whether printed or handwritten, signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the same full faith shall be given to them, as would be given to the original letters if they were presented or shown. Therefore, no one shall be permitted to violate this page of our declaration, condemnation, confirmation, innovation, mandate, prohibition, invocation, requisition, decree, and will, or to dare to oppose it with reckless audacity: but if anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul. Given at Rome, at Saint Peter's, in the year of the Incarnation of the Lord one thousand eight hundred and twenty-five, on the third day before the Ides of March, in the third year of our pontificate.

[*Latin ed. p. 321*]

APPENDIX ON PRIVILEGES. CHAPTER I. On privileges in general. The difference between a privilege, a dispensation, and a license. 1. When a privilege derogates from common law. 2. When the holder of a privilege is bound to use it. 3. Whether outside the sacrament of penance, etc. 4. Regarding clauses, for example, etc. That which is contrary to sacred canons is not permitted, etc. Supplementing deficiencies, etc. 5. On the interpretation of privileges. 6. 7. and 8. On communication. 9. 10. and 11. On revoked privileges of Regular Canons, with the Declarations of St. Pius. 12. On rescripts of grace and justice, whether they expire with the death of the Pontiff. 13. In how many ways does a privilege cease? 14. How does it cease through revocation? 15. On express revocation. 16. On tacit revocation, and whether a revocation must be expressly demanded, or at least made public. 17. 4. — A PRIVILEGE is defined: A private law, granting a special benefit. A privilege differs from a dispensation, which exempts from the law, and is therefore always odious; it also differs from a license, which is granted only for certain acts. We will speak of privileges in particular cases in their proper place; here we will only note certain rules to be observed regarding privileges in general. 2. — And I. In order for a privilege to derogate from common law, a derogatory clause is not required, for it is presumed that the prince already knows the common laws; except for 4. when the privilege could not achieve its effect without

Translated by churchlatin.ai, a product of Boyne Archives

this express derogation. 2. If in the law to which it derogates, there is a clause: "Notwithstanding any privilege," this is understood, unless the privilege contains the clause: "By certain knowledge"; or: "By the fullness of power." Salm., tract. 48, c. 4, p. 4, n. 42 and 43, with others. 3. When is a privilege contrary to some custom, or municipal law? In these cases, no derogation is made, unless a special mention is made of them. Suar., de leg., l. 8, c. 14, n. 4. Castrop., t. 4, tr. 3, d. 4, p. 40, n. 9. and Salm., l. c., p. 4, n. 8, with Pelliz., Tambur., etc. 3. — II. The holder of a privilege is not, strictly speaking, bound to use it. Reg. 64. Jur. in 6. But the following exception must be made: 4. If, by not using it, he would cause serious harm to a neighbor: but understand this, if it is of itself, and not otherwise.

[*Latin ed. p. 322*]

Consequently: For example, if a confessor has the privilege of absolving from reserved sins, he is obligated to use it after hearing the confession. See Salm. ibid. p. 2, n. 14, with others. 2. If the privilege is granted for the common good, as is the case with the privilege of immunity, everyone is obligated to use it, as stated in chapter [referring to a previous chapter]. 3. If the privilege removes an impediment to observing a precept: For example, if a sick person has a private oratory in their home and can easily hear the Holy Sacrifice, they are obligated to use this privilege. Suar. c. 35, n. 8. Pal. p. 7, n. 3. Sanch. de matr. l. 6, d. 6, n. 14. Salm. ibid. n. 12, with Sylvest. Avila, etc. 4. If the privilege is not personal, but real, attached to a place, or to a dignity or status, such as the privileges granted to Bishops and Regular Canons. See Salm. l. c. p. 3, n. 17 and 18. 4. — III. He who has the privilege, for the penitential forum, etc., of absolving from censures and ecclesiastical penalties, can very probably use it even outside of the sacrament, even if the faculty was conceived in the terms: "to the confessor priest." Suar. l. 8, c. 6, n. 15. Castrop. d. 4, p. 2, §. 5, n. 6, and Salm. tr. 18, c. 4, p. 3, n. 33, with Silvest. Tamb., etc., against others who probably also deny this. 5. — IV. Speaking of clauses: The clause "Ad instar" (as an example) means that the privilege is valid only when another (according to the form of which it was granted) was valid at least from the beginning, even if it was later revoked or not accepted, as noted by Father Mazzotta. Otherwise, if the first privilege was null, the second will also be null, provided that the second does not express what is granted. Suar. c. 15, n. 2. Castrop. d. 3, p. 2, §. 8, n. 1. Salm. l. c. p. 4, n. 39, with Bonac., etc., and Father Mazzotta, vol. 4, on privileges, p. 221, v. Sexto. However, this applies (as the aforementioned authors say) when it is said: "Ad instar"; but not if it is said, "as granted," etc., as limited by Bonac. and Garcias apud Salmanticenses. The clause: "Quatenus sacris canonibus non adversetur" (provided that it does not contradict the sacred canons), is understood only in relation to those canons in which it is expressly stated: "Notwithstanding any privilege." Salm. ibid. n. 50, with Nav. Suar. Garc., etc. The clause, "Supplentes singulos defectus" (supplying all

Translated by churchlatin.ai, a product of Boyne Archives

defects), is understood only in relation to the defects of those things which are required only by positive law, and which are only accidental; but not in relation to natural or substantial defects, such as if the supplicant were excommunicated, or if the supplication were surreptitious or fraudulent; or if the defect were concerning the cause or the person of the supplicant. Salm. ibid. n. 51, with Barbosa and Tambur. Other clauses can be seen in Salm. l. c. n. 51 to 56. 6. — V. Speaking of the interpretation of privileges, several things should be noted. Note 1: Every privilege must be interpreted in such a way that it is neither useless nor burdensome to the person who has it. Salm. ibid. p. 6, n. 70 and 74. 2. Privileges are granted only by the prince, or by others to whom the prince...

[*Latin ed. p. 323*]

An act, authentically or juridically, can be interpreted in only one way. However, doctrinally, anyone learned can interpret it, and their resolution may be legitimately accepted, as all affirm. And when a particular interpretation is prohibited, it is to be understood as referring only to the authentic and juridical interpretation; see Salm. tr. 48, c. 4, p. 6, n. 72 and 73, or it must be understood to refer to an interpretation that is expressly intended, as stated in the Laws, l. 4, n. 200, 3, by Clement IV, and by the Pontiffs, Bishops are prohibited from interpreting the privileges of Religious orders juridically. Only Alexander VI and Paul III (when the Apostolic See cannot be consulted) granted this power to jurists and other judges in favor of Religious orders. The same was granted to general visitors, and also to provincials and immediate prelates, whenever they consult experts. The same applies to the interpretation of rules, constitutions, and customs. In the same way, these prelates can also withdraw or limit the use of privileges by their subjects. See Salm., ibid., n. 74, 75, and 76.

4. It should be noted that, generally speaking, regarding privileges, every privilege should be interpreted broadly, as we have from chapter Olim. 6, on significant words, where it is said: "benefits granted by princes should be interpreted most broadly, etc." And from the last law of the ff. on princ. constitutions. On the contrary, odious privileges are to be interpreted strictly, such as those that derogate from common law or from particular statutes and customs, provided that these statutes are not contrary to common law; or provided that the privilege is not inserted into the body of the law; therefore, Sanch. and Mazzotta say, Sanch. de matr. l. 8, d. 4, n. 8, and Mazzotta l. c., p. 223, c. 2, v. Resp., that all real privileges are to be interpreted broadly; because, due to their perpetuity, they are considered as being inserted into common law. Furthermore, it is excepted if the privilege would otherwise be rendered useless, or if it contains a clause based on certain knowledge or on one's own initiative; or if the privilege is for absolution, dispensation, or communion, along with others. Salm., l. c., n. 78 to 80. Privileges, however, that are prejudicial to

Translated by churchlatin.ai, a product of Boyne Archives

others, such as those for obtaining more benefits, or for conferring vacant benefits, or contrary to regular observance, are to be interpreted strictly, even if they were granted ex proprio motu. Salm., ibid., n. 83 and 84.

8. This must be understood regarding privileges granted to particular persons: but those that are granted to an order, a convent, a community, or for another pious cause, are to be interpreted not only broadly, but also most broadly, even if they are contrary to common law or to a third party, as is commonly affirmed by DD. Suar. c. 27, n. 7, Castrop. d. 4, p. 10, n. 6, Mazzotta l. c., and Salm. tr. 48, c. 4, p. 3, n. 27 and 28, and again p. 6, n. 85 and 86, with Azor, Laym, Sylv., Bon., Henr., Couinch., Lezana, Bord., and others. For privileges...

[*Latin ed. p. 324*]

To communities are conceded all things pertaining to the remuneration of services rendered, and therefore, all things are held as favorable, according to *l. Sicut persona, ff. de relig.* See Salm., *l. c.*, p. 3, n. 23 to 27. 9. — VI. When speaking of the communication of privileges, note that Mendicant Orders communicate entirely among themselves regarding privileges, both past and future, concerning persons, places, feasts, and indulgences, as is evident from the bulls of Sixtus IV, Clement VIII, and Leo X. See Salm., *ibid.*, p. 7, §. 4, n. 88 and 89. And this holds true, even if the Order to which the privilege was granted has not accepted it, or has not made use of it. Furthermore, when a privilege granted to one Order is extended, it is understood to be extended also with regard to other Orders. Salm., *ibid.*, n. 98 and 99. Moreover, these Mendicant Orders communicate privileges with other religious orders, or congregations, or monastic or non-monastic colleges. Thus, it is commonly stated (Salm., *l. c.*, n. 90), with Rodr. Pelliz., Tamb., etc. And this holds true, even if in the privilege granted to another religious order or congregation, there is a clause stating that it is not to be communicated; for in other bulls concerning communication, it is stated that whatever impediment to communication there may be, it is to be removed. Salm., *ibid.*, §. 2, n. 407, with Rodr. Bassæo, Miranda, Bon., Diana, Donato, etc. Those who have been received into the Order (Converts), for they are truly religious; see Salm., *tract. 15 de statu relig.*, c. 4, v. 3, n. 33, as well as novices, as declared by Clement VIII, and this is the common opinion (whatever some few may say), with Suarez, Sanch., Castrop, etc. Suarez, *de Relig.*, *tract. 40*, lib. 9, c. 4, n. 48, and Salm., *ibid.*, c. 3, p. 6, n. 85, with Sanch., Castrop, Lezana, and Pelliz, and others: also religious who have been promoted to the episcopate enjoy these privileges, provided that it is not a matter in which, if bishops were to make use of them, some prejudice would result to the Order, such as residing in a monastery, granting suffrage, etc. See Salm., *dict. tr. 15*, c. 5, p. 2, n. 43, with Suar., Lez., and Castrop. As for tertiaries, both male and female (or those of Corbetta) who are subject to Mendicant Orders, and who wear

Translated by churchlatin.ai, a product of Boyne Archives

the habit of the Order and have a vow of chastity (with certain exceptions), they also enjoy these privileges, but only to the extent that they are capable of doing so. Confratres of the Scapular and the Cingulum (called Cordon) enjoy only this, and participate in all indulgences and remissions of sins, but in nothing else. Salm., *tr. 48*, c. 4, p. 7, §. 4, n. 94, with others. 10. — Note 2. Nuns, both of Mendicant and non-Mendicant Orders, enjoy the privileges of the nuns of their own Order, and consequently, of any other Order, in all things of which they are capable (understand this to mean favorable things). This holds true, even if the privilege speaks only of men, as is deduced from the bull of Leo X. And conversely, monks enjoy the privileges of the nuns of other Orders, because...

[*Latin ed. p. 325*]

They communicate (as stated above) the privileges granted to any religious order, congregation, or monastery. See Salm. ibid. n. 91. But returning to the nuns, even those who are subject to the Pope or a Bishop enjoy these privileges, and thus, when a privilege is granted to religious, such as being absolved, or receiving a dispensation from their superior, nuns subject to a Bishop can indeed be absolved by the same Bishop, and obtain a dispensation. And this also applies to the privilege when only nuns who are subject to the Rules are named. Suar. de Leg. l. 8. c. 10. n. 7. Bon. dist. 1. q. 3. p. 7. §. 2. n. 2. and Salm. ibid. n. 92. with Castrop, Lez, Pelliz, Bordonio, Boss. and others against a few. 11. — Note 3. Privileges are not communicated when they are odious, or contrary to the proper statutes, so that they prejudice the good or common observance of the religious order. Castr. dist. 4. §. 9. n. 2. and Salm. l. c. §. 2. n. 100., with Pelliz, Lez, Portell, Tamb. Bord. Note 4. Privileges granted to someone are not to be understood as granted to a particular person, but by reason of their office, or dignity, or as a member of that community, but are to be understood as granted to all others of the same office, or of the same community. And privileges granted to subordinates, or to lower prelates, are also to be understood as granted to higher prelates. Salm. tr. 48. c. 4. p. 7. §. 3. n. 410 and 111. Similarly, privileges granted to a certain community, or to a Church, or to particular members of a community, but as members of that community, are also to be understood as granted to other religious, both of that order, and of others, who have communion, provided that the same, or similar reason applies. Salm. ibid. with Pelliz, Garcia, Quint, Tamb. etc. But this is not to be understood of privileges that are granted to a certain congregation for a determined time, or by special briefs are granted to a monastery for a special reason, or when it is a matter of things that are usually difficult to grant. Salm. ibid. n. 118. with Peyrin, Tamb, Merola, etc. 12. — VII. It is certain, as is stated in proposition 36, that religious are no longer able to use privileges that have already been revoked by the Council of Trent. However, certain declarations of the Council made by St. Pius V. in his

Translated by churchlatin.ai, a product of Boyne Archives

bulla: Etis mendicantium, must be considered. These are: 1. That seculars can attend sacred services and sermons in the churches of religious orders. 2. That a Bishop cannot grant permission to enter the monasteries of exempt nuns. 3. That the fourth funeral rite is to be understood only of that which is offered. See Salm. l. c. p. 8. §. 2. n. 437. 4. That the confessors of exempt nuns, and the preachers of religious orders in their own churches, are not to be examined by the Ordinary; but with regard to confessors, this privilege has been abrogated by various apostolic constitutions, and especially by the bulla Apostolici ministerii, issued by Innocent XIII. in the year 1723.

[*Latin ed. p. 326*]

And it was confirmed by Benedict XIII on September 23, 1724. There, § 48, it is declared that confessors of exempt nuns must be examined and approved by the Bishop of the diocese, notwithstanding any contrary custom, even if ancient. 43. — VIII. A distinction must be made between a rescript of grace, which pertains to granting absolution, dispensation, etc., and a rescript of justice, which pertains to exercising jurisdiction, appealing, etc. In a rescript of grace, it is said: "Grace is granted when the delegate is considered a necessary executor; grace is to be given when the power to dispense is granted, and the matter is left to the delegate's discretion." A rescript of justice expires with the death of the prince, provided the matter is still pending; the same applies to a rescript of grace to be given. Conversely, this is not the case with a rescript of grace, such as granting absolution, receiving orders outside the proper times, regarding a private oratory, etc. Castrop, d. 3, p. 16, § 4, n. 11. Sanch. de matr., l. 8, d. 38, n. 43. Salm., tr. 48, c. 4, p. 9, from n. 144 to 146, with Suar. A privilege granted with the clause "Until I will it" probably does not expire after the death of the grantor. Salm., ibid., n. 149, at the end. However, if the office of the delegate is expressed in the grant, upon the death of the delegate, it also passes to the successor. Salm., ibid., n. 150. 14. — IX. A privilege can cease in many ways, and 4. by the expiration of the established term. 2. By the cessation of the final cause: understand that when a privilege is granted under the condition of that cause; but when it is granted absolutely, there is a very probable opinion that even if the final cause ceases, the privilege will not cease; nor does it cease, even if we have used the privilege once. Salm., ibid., c. 2, p. 1, n. 3 and 4, according to what we said about dispensation. 3. By the renunciation of the privileged person; it should be noted that private individuals cannot renounce the privileges of a community; and for the renunciation to be valid, it must be made in the hands of the one who granted the privilege, and accepted by the same. See Salm., ibid., n. 5 to 8. 4. By contrary use, or by non-use: however, in doubt, the presumption is always for use. But it should be noted that gracious privileges, which do not burden others, such as granting absolution, dispensation, or fasting, and similar things, are never lost by non-use, and even by contrary use, even if

Translated by churchlatin.ai, a product of Boyne Archives

for a very long time. Suar., de Leg., l. 8, c. 34, n. 17; Bonac., d. 1, q. 3, p. 8, § 5, n. 4; Castrop., tr. 3, d. 4, p. 18, n. 3, and p. 19, n. 1; and Salm., tr. 48, p. 2, § 2, n. 13, with Laym. Pont. Lez. García, etc. Privileges to the contrary, which are burdensome to a third party, such as not having to pay tithes and similar things, are extinguished by contrary use, and also by privative non-use (not merely negative non-use), which occurs when the privileged person, being aware of their privilege, refuses to use it when the opportunity arises. This applies, provided that there is no clause in the privilege requiring use at the delegate's discretion. Castrop., p. 48, n. 4; Bonac., n. 3, and

[*Latin ed. p. 327*]

Psalm [reference], verses 14 and 15, and [references to other authors]. Furthermore, it is understood that this pertains to an external jurisdiction, for the one who does not possess the power to grant dispensations does not lose the privilege in his own conscience. See Psalm [reference], section 3, number 48. The privilege can also cease through abuse, either entirely or in part. Psalm [reference], numbers 47 and 45. The privilege ceases due to the revocation by the prince. However, a distinction must be made between gratuitous privileges, remunerative privileges, and burdensome privileges; if the privilege is purely gratuitous, it can be validly revoked even without a just cause; although this is not excused from at least a venial sin, unless there is no scandal. *Pontium*, book 8, chapter 49, number 15. *Castr*., page 24, section 3, number 3, and Psalm [reference], page 3, number 37, with [references to other authors]. If, however, the dominion of a certain thing in the privileged territory was transferred along with the privilege, it cannot be revoked, either lawfully or validly, unless for a most urgent reason of the common good, or for a grave offense, or for those reasons for which any donation can be revoked. *Castrop.*, page 24, section 2, number 2. *Bonac.*, page 8, section 2, number 5. *Suar.*, book 8, chapter 37, number 7, and Psalm [reference], number 29, with [references to other authors]. But if the privilege is remunerative, either for justice or for gratitude, a just cause is always required for it to be validly revoked. And if it is also burdensome, such as one granted for a price received, or for some burden imposed on the privileged, then, in order to revoke it (beyond a just cause), compensation is required. This must be said of remunerative privileges granted for justice, as commonly stated by the Doctors *Suar.*, book and chapter, numbers 6 and 7. *Pontium*, number 43, and Psalm, treatise 48, chapter 2, page 3, numbers 30 and 35, with others.

46. The revocation of privileges is either express or tacit; with regard to the express revocation, generally speaking, a general clause is sufficient, notwithstanding privileges, such as "all privileges are revoked," or "in contravention of all privileges." However, the following are excepted: 1. Privileges granted in the manner of a contract, whether burdensome or remunerative for justice (as stated above), in which specific mention is made

Translated by churchlatin.ai, a product of Boyne Archives

of the merits involved. 2. Privileges that contain a clause stating that they are not to be understood as revoked unless specific mention is made. 3. Privileges of religious orders, which also require specific mention, because they are remunerative, and seem to contain a clause of derogation for future revocation, unless specific mention is made of them, as affirmed by Rodrig. Portel and Miranda in P. Mazz. 4. Privileges incorporated into the body of the law, because then they are true laws, and in order to revoke them, a special clause is required, notwithstanding laws to the contrary, etc. *Suar.*, book 8, chapter 38, number 2. *Bonac.*, volume 2, title 3, page 8, section 4, number 44. *Castrop.*, treatise 3, title 4, page 21, section 3, number 2. *Pontium*, book 8, chapter 49, number 46. Mazz., volume 4, on privileges, question 2, chapter 4, page 234, and Psalm, book and chapter, page 4, numbers 39 and 40. The same is asserted by Bonac., Sanch., Castrop., and Psalm, with Mol., Pell., and many others (contrary to *Pontium*), regarding privileges granted by a general Council, which are not to be revoked unless by an express clause, notwithstanding whatever constitution, even from a Council.

[*Latin ed. p. 328*]

Generally published; as is gathered from chapter "Ex parte," and the final chapter concerning the monastic chapter of Bonaventure, number 43; Castrop, section 4, number 6; Sanchin, on marriage, book 3, title 26, number 7; and Salm, ibid., number 41, together with Pellizzari, Bossuet, etc., against Pontieu, number 19. Pontieu opposes the practice of the Church, and a certain declaration of Saint Pius V. But Castrop, together with Garcia, responds that this is falsely asserted; Garcia says only that a certain specific opinion of Saint Pius V is being referred to, in which it is stated that concessions signed by the Pontiff's own hand do not require any revocation by the Council of Trent, neither general nor special. All the aforementioned limitations are understood to apply if it is not established that the party revoking had a contrary intention, as all the aforementioned Doctors commonly affirm; therefore, if in the law of revocation there is a clause based on certain knowledge, or on a specific decree, or on the plenitude of power, then every privilege is revoked, whatever its qualification, except for those that are burdensome; or when the revocation would prejudice a right acquired by a third party. See Salm, treatise 18, chapter 2, page 4, number 40 and 42, 47.

As for tacit revocation, privileges previously granted are understood to be revoked by any general law to the contrary, even if there is no revocatory clause in it, when that law, or a new privilege granted to others, could not achieve its intended effect unless the previously granted privileges were revoked; for it is not presumed that the legislator intends to enact a useless law, or to grant a privilege that is illusory, whether it be general or particular. However, this must be understood when the previously granted

Translated by churchlatin.ai, a product of Boyne Archives

privileges are known to the legislator, as is presumed in the case of all privileges included in the body of the law. On the contrary, it is not presumed in the case of others that exist outside the law; therefore, special mention must be made of these. Suarez, book 8, chapter 30, number 2; Pontius, book 8, chapter 49, number 49; Castrop, book 4, page 21, section 4, number 10; Bonaventure, book 3, page 8, section 4, number 14; Salm, ibid., number 43 and 44, together with others commonly. Some affirm, as do Sotellus, Henry, and Quintillian, to whom Salm, in "De Legibus," chapter 1, page 6, number 80, adheres, that a privilege remains in force as long as the revocation is not notified to the civil authority or to the religious order. But even these themselves, later in treatise 18, on Privileges, chapter 2, page 5, number 45, retract this statement, and rightly so, asserting, together with Laym, Suarez, Portelli, and Lexana, that it is sufficient to invalidate a privilege that the revocation be published; and that two months pass from the publication, so that the knowledge of it may reach those who hold the privilege, even if, in fact, it does not reach them.

Thus far, we have discussed privileges in general; in the following chapters, we will discuss privileges in particular, those of ecclesiastical persons, bishops, and religious.

[*Latin ed. p. 329*]

CHAPTER II. Concerning the privileges of clerics. In what matters are clerics exempt from secular authority. 10. Concerning the privileges of canon law and the forum with regard to persons. 19. With regard to goods. 20. Who enjoys such privileges. 21. Concerning benefices. 22. Concerning pensions. 23. Concerning those who have laid down their habit. 24. Concerning the immunity of pious places. 25. to 25. 18. — Clerics are, by divine law, exempt from secular authority with regard to spiritual matters, or matters purely ecclesiastical, such as ordinations, the election of prelates, etc., as is clear from canon 3 of the Council of Rome. With regard to persons and ecclesiastical places, the question is whether they are, by divine law, exempt or not? Many deny this, such as Lessius, Cajetan, Becanus, and Salm. tr. 8, de ord. c. 7, dub. 1, n. 6. Many others affirm this, such as Suarez, Azor, Laym., etc., and they prove it from several texts, and especially from chapter 6 of "Quamquam" and from session 25, chapter 20, of the Council of Trent, concerning the reform of the Church, and the immunity of ecclesiastical persons, which is established by divine ordinance and by canonical sanctions. However, it is certain that clerics are not subject to the secular forum, either by canon law or by civil law. See "Jura ap. Less. de Just. l. 2, c. 33, dub. 3." Furthermore, they are bound in conscience by those civil laws which do not contradict their state, not by coercive force, as is said, but by directive force, so that they may be conformed to the community. This is the opinion of Salm., ibid., § 4, n. 46, 49. — Therefore, clerics enjoy an exemption concerning their persons.

Translated by churchlatin.ai, a product of Boyne Archives

In addition to the privilege of canon law, by virtue of which those who unjustly strike them incur excommunication, clerics enjoy immunity from being punished by the secular court, as is clear from the laws related by Becanus. De Sacr. c. 26, q. 9. And although civil law exempts them only in civil cases, and reserves the right to recognize them in criminal cases, clerics are by no means to be condemned except after degradation; nevertheless, canon law completely exempts them. See Salm. tr. 8, c. 7, p. 2, n. 24. But, notwithstanding this, in some cases, secular authority may proceed to imprison clerics; for example, if someone were to find a cleric at night carrying prohibited weapons, or without clerical garb, or if he were to find him in the act of committing some crime, then he may proceed to imprison him, so that the matter may afterwards be referred to the ecclesiastical court; but if he finds him during the day, he may deprive him of prohibited weapons. He may also, in some cases, punish him (but not with the death penalty), if he is plotting rebellion against the prince, or inciting the people to sedition, and has not been punished for this by his own bishop. Furthermore, it is probable that clerics who are notoriously sodomites may be subjected to punishment; for these have been stripped of all clerical privileges by Leo X and St. Pius V. See.

[*Latin ed. p. 330*]

Salm. l. c. question 4, section 4, and notes 18 to 20, and page 2, notes 27 to 29. Furthermore, for any other crime, clerics cannot be punished by the secular court, chapter end of life, and clerical honor, and chapter In audientia 25, of sentences of excommunication, 20 - II. Ecclesiastics enjoy exemption from the lay court with regard to their own property, whether ecclesiastical or acquired in any other way; therefore, with respect to them, they are not required to pay any tax, as is stated in c. Quia, and c. Clerici, concerning the immunities of the Church, in 6, and from law Sancimus 22, chapter concerning Sacred Ecclesiastical matters. See Salm. ibid. page 3, notes 35 and 36. Clerics who are merchants concerning purely ecclesiastical goods, which have already been designated for trade, are deprived of this exemption, c. Quamquam 4, of censuses, in 6. As for the remaining property, they are deprived of it after the third warning. Salm. ibid. note 54, with Less. Mol. etc. Furthermore, it should be noted that in a case of urgent necessity, the prince can extract grain from the houses and sell it belonging to the clergy. Salm. ibid. question 4, section 4, note 47, with Diana, and Molf. 21 - I. Those who enjoy these exemptions, both with regard to persons and with regard to property, are first of all all Regular clergy with their novices, and tertiaries, and also the Third Order of Franciscans, Carmelites, etc., who wear the habit along with the vow of chastity: as declared by the Holy See. Furthermore, the Knights of St. John, St. James, Alcantar, and Calatrava, as proven by Bon. Fill., and Diana. See Salm. tract. 48, chapter 7, page 5, note 57. Furthermore, all clerics who are instituted in the sacred duties. Concerning

Translated by churchlatin.ai, a product of Boyne Archives

others, who are in minor orders, or simply tonsured, the Council of Trent, session 23, chapter 6, concerning reforms, states: "They do not enjoy the privilege of the court, unless they hold an ecclesiastical benefice, or wear the clerical habit and tonsure, and serve a Church by order of the Bishop; or are in a seminary for clerics, or in some school, or university, with the permission of the Bishop, as if they were on the way to receiving higher orders." And this privilege is also enjoyed by married clerics who wear the habit and tonsure, and serve the Church: but in the last chapter of the book concerning the order of time, in 6, marriage is prohibited with the tonsure, unless they intend to enter religion, or to be ordained in the sacred orders, with the prior consent of their wives. See book 6, note 827, at the end, 22. Therefore, 4. Beneficiaries enjoy the privilege of the court, even if they do not serve the Church, nor wear the habit and tonsure, as is probably inferred from the Council, as Salm. states with Fill., Diana, and Rodrig., and Suar. Furthermore, even if they do not receive the fruits of the benefice, nor do they possess it; it is sufficient that they hold the title, as Garcia, and Filliucius, and Diana state against Salm. A chaplaincy, or a prebend, are also sufficient, which are considered as true benefices: but a pension is not sufficient. See Salm. ibid. notes 62 and 63, with others. 23. 2. Clerics in minor orders, and tonsured, enjoy it, provided they wear both the habit and the tonsure, according to what the Council states.

[*Latin ed. p. 331*]

The clerical habit, and tonsure, and as many learned doctors, such as Castrop and Barbosa, believe, contrary to Salm., who interpret the term "particella" as meaning "a portion" or "a part," so that they say that either is sufficient, see book 6, number 827. However, provided they serve the Church in a similar manner, it is sufficient that they serve some churches, even if this is not ordained by the Bishop, as declared by the Sacred Congregation apud Card. Lambertini, in the Decrees of the Synod, book 12, title 6, number 5, 24. – In order for clerics established in minor orders to be deprived of their forum [legal protection], (for something else must be said concerning the canon's privilege), the threefold warning is not required, because this is required only for benefices, and for those ordained in the sacred orders, as is deduced from c. Contingit, concerning excommunication, or for minor clerics who engage in secular affairs, as is stated in c. Ex litteris, concerning the life and honor of clerics. See book 6, number 827, but it is sufficient that they have laid aside the habit and tonsure, as has been declared repeatedly by the Sacred Congregation, and as learned doctors commonly affirm apud Card. Lambertini, in the Decrees of the Synod, book 12, title 2, number 4, apud Salm., book 8, chapter 7, page 4, number 65. However, if they have laid them aside for a long time, as noted by Salm. with Bonac., Suar., Barbosa, and others. Although these clerics may not claim the forum, nevertheless the Bishop can nevertheless

Translated by churchlatin.ai, a product of Boyne Archives

reclaim them from the secular forum, according to the declaration of the Sacred Congregation, approved by the present Supreme Pontiff. See Lamb. loc. cit. number 3. Those clerics, however, who resume the habit, rightfully enjoy the privilege, provided they do not do so fraudulently; and fraud is presumed when someone has already been summoned in a civil cause to the lay forum, or has already been imprisoned for a criminal cause, or has been released from prison under caution, as say Salm. with Bon. (against Guttierez, and Ceballos), and Card. Lambertini with many decrees of the Sacred Congregation, Salm. loc. cit. number 67, and C. Lamb. De Synod. book 5, chapter 12, number 4. A great question is whether the lay power can judge causes involving innocent persons against ecclesiastics. Some theologians absolutely affirm this; but others more commonly admit it only when recourse to higher ecclesiastical authorities is either impossible or very difficult. See Salmant., book cited, doubt 2, number 76. – The ecclesiastical immunity of places concerning the asylum of delinquents, belongs by right both to ecclesiastical and civil law to all churches, even those subject to interdict or excommunication, or even those that have been desecrated (unless they have been profaned by the authority of the Primate), and to their chapels, sacristies, cemeteries, even those separated from the church, walls, bell towers, roofs, atriums, the steps of the atriums, with forty paces beyond for cathedral churches, and thirty for other churches (but this is to be understood for those that are located outside the walls of the city, or town), provided that there is no public road, or any secular house; otherwise, if the house belongs to a cleric. See Salm., book 18, chapter 3, page 3, § 4, number 86. They also enjoy the same.

[*Latin ed. p. 332*]

Hospitals, in which there is a public chapel, oratories erected by Bishops, the Bishop's palace, and the houses of Regular Canons with their dormitories, cloisters, gardens, and porticoes before churches or monasteries. See Salmantius, ibid., nos. 87 and 88. 26. — All those who have committed crimes, provided they are Christians, even heretics, or are under interdict, or are imprisoned, who, having broken out of prison, have fled to the aforementioned sacred places, enjoy this immunity. And in this, any custom to the contrary is condemned: c. Noverint, de sent. excomm. et Authent. de Sacros. Eccles. Salm. ib. §. 2, no. 89. However, in the bull of Gregory XIV, public robbers, those who despoil fields, those who commit murder by treachery or assassination (but Benedict XIV excepted all murders for the entire Church), or within the church itself, or in the cemetery, are excepted, as are heretics and rebels against the same prince. See Salmantius, ibid., §. 3, nos. 96 and following, with Suarez, Castropuensis, Pellizzarius, Guttierrez, etc. And in cases clearly excepted, the secular judge can, on his own authority, take those who have committed crimes away from the Church, according to common practice. However, in cases of doubt, the judgment

Translated by churchlatin.ai, a product of Boyne Archives

regarding the exception belongs to the Bishop; so say Salmantius and others. See Salmantius, ibid., no. 95. Besides those who are excepted, all others enjoy immunity, just as debtors who flee to the Church do. Salmantius, loc. cit., no. 95. 27. — The question is, whether clerics and Religious enjoy the same immunity with respect to their superiors: Many affirm this, such as Barbatus, Bordon, and Guttierrez, and this is supported by a certain declaration of the Sacred Congregation, and this opinion is considered most probable, as say Salmantius. Nevertheless, they themselves, along with the common opinion of Suarez, Castropuensis, Laym, Bonaventure, Sylvaticus, and others, deny this, namely, that it is so by the force of the bull of Gregory XIV, which, with respect to this immunity, speaks only of lay people, as in the case of lay people fleeing to the Church, etc., but rather by the force of common law and an already accepted custom; otherwise, Religious who always reside in the monastery would find it difficult to be punished. Just as ecclesiastical superiors (Bishops and their vicars) can take their own subjects away from the Church, so too, if necessary, they can grant permission to the secular court to do the same. Salmantius, tract. 18, c. 3, p. 3, §. 2, nos. 92 and 93. However, a Bishop cannot take his own clerics away from the churches of Regular Canons, not because of immunity, but because those are places exempt from his jurisdiction. 28. — Those who take away, or who attempt to take away, incur excommunication by the very act, from which they cannot be absolved except by the Pope. Some Doctors of Law are of the opinion that they can be absolved from this kind of excommunication even by the Bishop; so say Salmantius, ibid., §. 5, nos. 446 and 447, with Bonaventure and Castropuensis, and others. However, this must be denied, with Fagnanus in cap. Cum pro causa, de sent. excommunic. Farinaceus, and others; for Gregory XIV declared that those who violate the immunity

[*Latin ed. p. 333*]

They incur all censures, and the penalties previously imposed by canons, councils, and other Pontiffs upon those who violate liberty, with these words: "We declare that, by the very act, they incur ecclesiastical censures and penalties, which are prescribed against those who violate ecclesiastical liberty, jurisdiction, and immunity, by the sacred canons and the decrees of general councils, and the constitutions of our predecessors." However, it is objected, from Extravagant 1, concerning penitence and remission, by Pope Paul II, that formerly, excommunication by the Pope had already been imposed against those who violated ecclesiastical liberty. It must be said that it was reserved only to the Pope to punish the violation of liberty, which concerns individuals, but not the violation of immunity, which concerns places; and that, although excommunication was issued by Gregory against those who violated immunity, it was not, however, reserved to the Pope; for a reservation of excommunication is not considered valid unless it is expressly stated. It is answered that, since

Translated by churchlatin.ai, a product of Boyne Archives

Gregory imposed the same censure upon the violation of immunity that had previously been imposed upon the violation of liberty, if the censure concerning the violation of liberty was reserved, then it is also reserved concerning the violation of immunity. Moreover, Clement VIII, in two decrees issued by himself concerning matters reserved to the Pope and to Bishops, forbade all confessors in the first decree to absolve anyone from any matter reserved to the Pope; and in the second, among the matters reserved to the Pope, which he enumerates there, he states that the violation of immunity is included, according to the bull of Gregory XIV. Furthermore, it was the case that the violation of immunity was called a matter reserved to the Pope, so that it could not be absolved by Bishops. Finally, Fagnanus, number 36, reports that it was decided by the Sacred Congregation of the Council. Next, it must be noted that religious who expel someone from their churches or monasteries who is guilty of an offense, in order to avoid some inconvenience or danger, do not violate immunity, and can do so lawfully. Salm. tr. 48, chapter 3, page 3, paragraph 5, number 448.

CHAPTER III. Concerning the privileges of Bishops.

1. Concerning the power of the Bishop. Whether a Bishop can grant a dispensation in cases of irregularity, whether arising from a fault or from a doubtful matter.

29. In which places the Council of Trent is not accepted, etc.

30. Who may come in the name of the Bishop.

31. Concerning those from other dioceses. And whether a Bishop can absolve from matters reserved to the Pope outside of confession.

32. How a fault is to be understood as hidden.

33. Whether a Bishop can delegate this power.

34. Whether he can absolve from matters reserved by other Bishops, etc.

35. If from matters reserved after the Council, etc.

36. Whether a Bishop can absolve a confessor who absolves a person complicit in a shameful sin.

37. Whether Bishops can absolve from matters reserved by the Bull of the Holy Supper (Cæna).

38. Whether they can grant a dispensation in cases of irregularity incurred through heresy.

39. Whether they can absolve those who are impeded.

40. And whether through others.

41. Who are considered impeded.

42. Concerning those who are perpetually impeded.

43. Whether these are bound by a letter, etc.

Translated by churchlatin.ai, a product of Boyne Archives

44. Whether they are bound at least.

[*Latin ed. p. 334*]

1. Have they recourse to the Bishop? What if they are unable to have recourse? Etc. What if they are at the point of death?

2. II. Concerning the six episcopal cases, and especially concerning the absolution from censure for the striking of a cleric.

3. 46. 47. and 48. III. Concerning dispensation with those who are illegitimate.

4. 49. With bigamists.

5. 50. IV. Concerning irregularities due to a hidden fault; and what if the homicide is entirely hidden.

6. 51. Concerning accidental homicide.

7. 52. V. Concerning incapacities.

8. 53. VI. Concerning the faculties of Bishops concerning marriages.

9. 54. Concerning dispensation regarding publications, the vow of chastity, and impediments to marriage, remitting them. Concerning doubtful diriment impediments.

10. 55. Concerning certain diriment impediments, and if the marriage has been contracted.

11. 56. If the marriage has not been contracted.

12. 57. Whether the Bishop can delegate this faculty.

13. 58. VII. Concerning dispensation for Interstitials.

14. 59. VIII. Concerning dispensation for a chaplain, so that he may be able to celebrate in another church.

15. 60. IX. Concerning celebration after midday.

16. 61. X. Concerning oratories.

17. 62. In which places may the Bishop celebrate?

18. 63. Whether he may dispense for celebrating at home.

19. 64. XI. Concerning the faculty of Bishops and Prelates concerning the election of their own confessor.

20. 65. XII. Concerning the enclosure of nuns.

21. 66. Concerning the approval of confessors of nuns.

22. 67. XIII. Whether they may change last wills.

23. 68. XIV. Concerning composition in uncertain restitutions.

24. 69. XV. Concerning the reduction of missions.

25. 70. Concerning the union of benefices, the erection of new parishes, etc.

26. 71. 29. — I. By virtue of the Council of Trent, session 24, chapter 6, it is permitted that the following have the faculty: It is permitted to Bishops

Translated by churchlatin.ai, a product of Boyne Archives

to grant dispensation in all irregularities and suspensions arising from hidden faults, except those which arise from voluntary homicide, and those which are subject to the contentious forum; and in all hidden cases, even those reserved to the Apostolic See, to freely absolve, in the forum of conscience, those who are guilty, who are subject to them, in their diocese, either by themselves or by a vicarious person specially appointed for this purpose, imposing a salutary penance. The same is permitted to them, and not to their vicars, in the same forum of conscience, even in cases of heresy. Therefore, by virtue of the aforementioned chapter, Bishops can grant dispensation in all irregularities and papal suspensions incurred due to a hidden fault, except for voluntary homicide, and those which are subject to the contentious forum. We have said due to a hidden fault; hence, Bonac. Castrop. Salm. etc. rightly say that a Bishop cannot, by virtue of this faculty, grant dispensation in any irregularity arising from a defect; see book 7, no. 469, unless it is doubtful, as Fagnanus and Tournely, with Gibert, and others probably hold, citing c. Nuper, de sentent. excom. But moreover, they can absolve their own subjects, either by themselves or by another priest specially appointed for this purpose, from papal hidden cases; indeed, according to the Council, they could previously even absolve from heresy (by themselves, not by others); but see what is said in no. 38.

27. 30. — Regarding this faculty of the Council, there are several things worthy of note to consider.

[*Latin ed. p. 335*]

It must be noted that in those places where the Council of Trent is not accepted, the Bishops cannot make use of the aforementioned faculty (cap. Liceat). As the learned Doctors Suarez, Sanchez, Salm, and Castr generally observe (Suar. de censur. d. 44. n. 6; Sanch. Dec. l. 2. c. 44. n. 2; Salm. de pænit. c. 43. p. 3. num. 30; Castr. t. 4. iit. 4. d. 4. p. 3. §. 2. n. 2, with Barb. and Garo), it is fittingly so: for the faculty of the Council is not received by the Bishops unless through the acceptance of that Council itself; and it would be highly incongruous for one to enjoy the privileges of the Council while refusing to bear its obligations.

It must be noted that, under the name of Bishops, vicars capitulars also fall under this provision when the See is vacant; however, this does not apply to vicars of Bishops appointed by their general commission, for the vicar can rightly do what the Bishop can do by his own ordinary power (as will be explained in n. 37), but not what the Bishop can do by a delegated power, even if it is an ordinary one, since such a power is attached to the office, as will be explained in n. 34 and 47. Furthermore, in this faculty, the Council expressly requires a special delegation. See Sanchez de matrim. l. 2. d. 40. n. 46.

Do Abbots, and others who possess episcopal jurisdiction, also fall under this provision? Coninchius, Barb., and others deny this. However, Suarez

Translated by churchlatin.ai, a product of Boyne Archives

states that there is also a certain declaration of the Sacred Congregation that affirms it. Fagnanus, Sanchez, Castrop, Sarus, Avila, Salm, La Croix, etc., generally affirm this, stating that, when a concession has been made in law, it has the force of a law, which extends to all cases in which the same principle applies; otherwise, they say, the subjects of such Prelates would not know to whom they should appeal. See l. 6. d. 593. vers. and l. 7. n. 79.

It must be noted that, under the name of subjects, even pilgrims also fall under this provision, who can be absolved by the Bishop of the place from all papal censures, as taught by Suarez, Sanchez, Bonacina, Navarrus, Barbosa, Trultenchius, Bossius, and others; because, although the Council of Trent grants to Bishops the power to absolve only those who are subject to them, nevertheless, the aforementioned Doctors state that foreigners, by submitting themselves to the sacramental forum, already become subjects of that Bishop; and Suarez also cites a certain declaration of the Sacred Congregation in which it is stated that a pilgrim can indeed be absolved by the Bishop of the place from these hidden censures, but not by his own Bishop, because the sacramental absolution of which the Council speaks requires the presence of the minister. See lib. 6. n. 593. And therefore, in the same declaration, it was stated that Bishops cannot, outside of the sacrament, absolve from the aforementioned censures, contrary to what Salmantic and Bonacina, among others, assert; indeed, Fagnanus reports that in the chapter "Dilectus, de temp. ordin." n. 46, the same thing was declared by Gregory XIII. This applies to absolution from censures, but with regard to dispensations from irregularities, and suspensions due to a hidden fault, the same Gregory XIII declared that such a dispensation cannot be granted by Bishops of the place, nor even by those who reside there exercising the office of a judge or physician, as is reported.

[*Latin ed. p. 336*]

Pagnanus, in the aforementioned work, asks: Whether a Bishop can properly grant a dispensation in cases of irregularity to a subject who is absent in another diocese. Avila and others deny this, but Bonacina, Tournely, Suarez, Barbosa, Sanchez, and the theologians of Salamanca, among others, more commonly and with greater probability affirm it, because a dispensation can also be granted to those who are absent, and jurisdiction exercised voluntarily can also extend beyond one's own territory. The words "in his diocese" in the aforementioned canon do not present an obstacle, for, as Salamanca and Tournely state, these words are sufficiently understood when the Bishop grants a dispensation from his own diocese. Indeed, Suarez, Sanchez, La Croix, and Holzman, along with Castrop and Pignatello, very strongly argue that these words do not refer to the first part of the dispensation concerning irregularity, but only to the second part (in which absolution from sins is granted); therefore, they conclude that a Bishop can grant a dispensation even if both he and the

Translated by churchlatin.ai, a product of Boyne Archives

subject remain outside of the Bishop's own diocese. See book 7, number 84, paragraph 33.

Note 4: The term "hidden fault" should not be understood as referring to that which can be proven in a trial by two witnesses, as some maintain, based on a certain declaration of the Sacred Congregation found in Fagnanus, in which it is stated that one may be safe in conscience if absolved or granted a dispensation in such a case; but, as the more common opinion holds, the term "hidden fault" refers to any fault that can be concealed in some way, even if it can be proven in a trial. Therefore, Azorius, Sanchez, Tournely, Bonacina, Castropal, the theologians of Salamanca, and others state that a fault is not considered hidden when it is known to a majority of the town, or neighborhood, or college, provided that at least ten people are aware of it. See book 6, number 593, and the following. And Cardinal Lambertinus, in Notification 87, number 45, at the end, along with Tiburtio Navarro, Sayro, and others (speaking of hidden impediments to marriage, where the same rule applies), asserts that an impediment is considered hidden if it is known to seven or eight people in a city, and to six people in a town. And Fagnanus himself, in chapter Vestra, concerning the cohabitation of clerics, number 448, testifies that the Sacred Penitentiary considers as a hidden impediment that which is known to only four or five people. Indeed, it is known to me that the Sacred Penitentiary has granted a dispensation in a case where the impediment was known to approximately ten people. See book 6, number 444. Furthermore, Fagnanus himself states that a fault or impediment is not considered hidden, even if known to two witnesses, when there is a clause in the grant of absolution or dispensation, provided that it is entirely hidden.

34. Here, a question arises: Whether a Bishop can generally delegate this faculty of the Council of Trent to other priests? Regarding dispensations from irregularities, it is sufficient (as Suarez, Barbosa, Sanchez, and others state) that the Bishop simply confers his faculty upon others, without any special delegation, because the aforementioned faculty of granting dispensations, by virtue of the Council, belongs today to Bishops by ordinary power, as it is attached to their office.

[*Latin ed. p. 337*]

Bishops, and not merely persons of industry. As for absolution from sins, some maintain that a special delegation is required for each particular case, attending to the words of the Council of Trent, either by themselves, or by a vicarious official specifically deputed for that purpose. However, the most common and probable opinion, following Suarez, Sanchez, Barbosa, Navarro, Layman, La Croiæ, the theologians of Salamanca, etc., is that a Bishop can also generally delegate this power to a priest. This is permissible, provided that he specifies it expressly, because by specifying it, a special delegation is already considered to have been made, which, properly un-

Translated by churchlatin.ai, a product of Boyne Archives

derstood, can then be general for all cases that may arise; for, as we have said, this power today belongs to Bishops by right of ordination, as it is attached to the episcopal dignity. See book 6, number 594; Doubt 9, 35. — Doubt 2. Can a Bishop absolve, or delegate the power to absolve, by virtue of the chapter "Licet" (Let it be permitted), even from reserved sins with censures imposed by other Bishops, when those sins are hidden? Bonacina, and others, argue that the word "even" in the same chapter should be considered: "In all hidden cases, even those reserved to the Apostolic See." Therefore, they argue that the particle "even" is not placed there uselessly, but that the power granted to Bishops is to absolve even from censures imposed by other Bishops, which are reserved to them; thus Bonacina, in his work on censures. He adds that this is understood to be received by custom, which often confers jurisdiction. He also adds that this should be understood only if the censure has been imposed by a statute, or by a general decree; for if it has been imposed by a particular decree, he believes that absolution should be granted by the prelate who imposed it, or by his superior, or successor. The reason is that, in this case, when the censure has been imposed by a particular decree, the crime is not further hidden, but is public; he cites Suarez, volume 5, dispute 7, section 2, number 27. Avila, Coninch, and others. Barbosa also holds this view in his "Collectanea Decretorum" in the 24th session of the Council of Trent, chapter 6, under the words "Quoscumque sibi subditos" (whomever he has subject to him), which includes even foreigners and pilgrims, and even vagrants, because these are subject to the Bishop of the place by reason of the forum of the sacrament of Penance, citing Suarez. Sanchez, Navarro, Bosstum, Trullench, etc., also teach this. Barbosa, along with others, in his work on the powers of Bishops, allegation 39, number 27, also state this. And this is referred to as having been decided by Nicholas Garcia in his work on benefices, page 41, chapter 10, number 139, in the 3rd Declaration; in Armentar, book 7, on irregularities, number 48; and by Stephen Dalvin in his work on the powers of Bishops, chapter 26, at the end. However, this should be understood in accordance with the limitation of Clement X, who in his bull "Superna," issued on June 24, 1670, stated that a religious confessor in a diocese, in which he is approved, can absolve those coming from another diocese from sins reserved to that diocese only; unless he knows that those penitents have migrated to another diocese in order to obtain absolution, in fraud of the reservation. How this should be understood in terms of "fraud," see the words in book 6, on Penance, number 559, "Quomodo, etc." (How, etc.), where we believe it is more probable that...

[*Latin ed. p. 338*]

To Roncaghia and others, it must be understood that this [practice] is to be considered deceptive, when someone seeks absolution from a priest primarily to obtain forgiveness and to avoid the judgment of their own pastor.

Translated by churchlatin.ai, a product of Boyne Archives

On the contrary, the Author of Moral Theology, in the volume concerning the ancient Seminary of Patrocinio, published by Benedict XIV in the work *De Synodo Diocesana*, book 5, question 5, number 8, writes: "It is the most accepted custom that travelers, merchants, and others who, due to the necessities of business, or for some pious reason, pass through foreign dioceses, may there receive sacramental absolution."

36. — Doubt 3. Whether the faculty granted to the bishops in Trent is to be understood as applying only to cases and irregularities reserved after the Council? Geremias and Floronus, in *Diana*, deny this, and infer from a certain declaration of Gregory XIII, in which, when it was doubted whether a bishop could absolve a nun who had broken her enclosure, from excommunication (when it is hidden), reserved by St. Pius V, the Pope declared that he could not. However, the common opinion, along with Sanchez, Bonacina, Suarez, Bossio, Diana, Vega, and others, affirms this; for in chapter "It is permitted," an indefinite faculty is granted, and according to the general axiom: where the law does not distinguish, neither should we distinguish. Nor does the praised declaration present an obstacle, because in the bull of St. Pius there was a clause, from which, except by the Roman Pontiff, no one could be absolved except at the point of death. Therefore, we entirely agree with Diana, that through those bulls, in which there is some derogatory clause, such as "except at the point of death," the faculty of the bishops is understood to be removed. See book 6, number 594.

37. — Doubt 4. Whether a bishop, by virtue of chapter "It is permitted," can absolve others from a papal excommunication, which confessors incur by absolving their accomplices in a shameful sin? On one hand, it seems that he cannot, because, since this case is inherently hidden, if bishops could absolve from it, the Pope's reservation would be rendered useless; and we have already said in number 46, that every privilege is tacitly revoked when otherwise the law issued after the granting of the privilege could not have its effect. On the other hand, one might respond that, saving the faculty already granted to the bishops, the aforementioned reservation would not remain entirely useless, because it can happen that the case sometimes becomes public; and because this reservation will always have its effect, and in all other places where Trent is not accepted, and in which (as we said in number 30) the bishops cannot enjoy this privilege.

38. — Doubt 5. Whether the aforementioned faculty of Trent has been removed from the bishops by virtue of the bull *Cœna*, with respect to heresy concealed, and with respect to other cases reserved by it? Navarrus, Coninc., and others, deny this, and Milante, Concina, and the Sulmanticenses do not dissent, saying that in the bull, the concession was not expressly revoked.

[*Latin ed. p. 339*]

In Trent, as befits the matter, some, according to a decree, hold one opin-

Translated by churchlatin.ai, a product of Boyne Archives

ion. But we, with the more common opinion, affirm this, and because of several declarations of the Holy See, both by virtue of the derogatory clause "unless at the point of death," which is read in the bull, as we said previously, number 36, and also by virtue of another clause, by which they are forbidden to absolve those who have incurred the penalty, by any grant of indulgences that we may have conceded, or by decrees of any Council. On this matter, several declarations are cited from Fagnano and Cardinal Lambertini, in *De Synodo*, book 9, chapter 4, number 9, as well as from St. Pius V and Gregory XIII. Furthermore, Alexander VII condemned proposition 3, which stated that the prior opinion had been examined and approved by the Holy See. As Viva, Iloqzman, Elvel, and the esteemed Cardinal Lambertini rightly say, in *De Synodo*, book 9, chapter 4, number 10, this condemnation certainly renders the contrary opinion improbable; for when the Pontiff declares that something has never been tolerated, he implicitly declares that it is not to be tolerated; hence, Lambertini concludes, that it is impossible for anyone today to hold that opinion without reservation. 39. — However, it must be noted here that, although a bishop cannot, in the internal forum, absolve someone from heresy that is secretly held, he can nevertheless, as an apostolic delegate, grant a dispensation in cases of irregularity incurred due to that secretly held heresy, as the theologians of Salamanca and Feliæ Potesta say. See book 7, number 76. Furthermore, a bishop, as an apostolic delegate, can absolve a heretic, even a notorious one, with regard to the external forum, after a prior abjuration has been made before a notary and witnesses; and after the heretic has been absolved by the bishop, he can then be absolved from the sin of heresy by any confessor; this is what the theologians Roncagl., Farinac., and Castrop. commonly affirm, in *De Filio*, book 4, part 4, page 3, paragraph 2, numbers 1 and 2, with Sanch., Navarr., Ban., Guttier., Comit., Vivald., etc., from the bull *Cum sicut*, issued by Clement VII in the year 1530. 40. — Objection 6: Can a bishop absolve someone from heresy, and from other impediments mentioned in the bull *Cæna*, who are prevented from going to Rome? Some absolutely deny this. Others deny it only in the case of heresy. But we commonly affirm that he can, with the common opinion of theologians and canonists, as held by Lugo, Layman, Conc., Roncag., Castrop., Milante, Salm., Coninchius, Avila, Potesta, Viva, Pellizzarius, etc., because the impediment restores to the bishops the ordinary power that they previously had over these cases, by virtue of canons 43, 29, and 58, concerning excommunication, where, although the words refer only to the censure imposed by a cleric, the theologians commonly extend them to all other censures, and especially from canon 22, of the same title, where the words refer generally to any censure imposed by a canon or a prelate, and it is said that, if they cannot have recourse to the one who was to absolve them, because of the impediment, they are absolved by another. See book 7, number 84. 41. — And it must be noted here that, in such a case of impediment, the bishop

Translated by churchlatin.ai, a product of Boyne Archives

can not only absolve from heresy himself, but also through others.

[*Latin ed. p. 340*]

Generally, they are delegated. Nor does the Council of Trent object, where it is said that only those who are impeded, and not vicars, are permitted to be absolved, because in that case the Bishop does not absolve by the authority of the Council, but by the common law, according to which Bishops are ordinarily empowered to absolve and delegate, as in other cases. See book 7, chapter 90, paragraph 42.

Note 2: With respect to those who are impeded, the elderly, women, the infirm, the young, the poor, and those who have some enmity, and all others who have other just excuses, by which they can reasonably excuse themselves from the journey, as is stated in chapter "De certo," concerning sentences of excommunication, and in chapters "Ea noscitur" and "Quamvis," in the same title. However, it should be noted that if the impediment is temporary and noticeable (lasting, for example, six or seven months), then those who are impeded can be properly absolved, but they themselves, except for women and children, must take an oath to appear before the Apostolic See, once the impediment ceases, at least through a procurator, so that they may be directly absolved by it; and if they do not appear, they fall back into the same censure, as is stated in chapter "Eos qui, de sent. excomm." paragraph 6. And this applies even if they have been reconciled and have made satisfaction to those offended. See book 7, paragraphs 85 to 87.

Note 3: If, on the other hand, the impediment is perpetual (that is, it will last for ten years, or at least five, as Roncaglia, Viva, and Tamb. say), then those who are absolved remain entirely free from the obligation to appear. But generally speaking, those who are perpetually impeded are: 1. Those who are members of a family; 2. Religious, even if they incur a censure before entering; 3. The elderly, seventy years of age; 4. Servants; 5. The poor; 6. Those condemned to the galleys or prisons for life; 7. Those who are infirm with a serious and prolonged illness, such as quartan fever, and the like; 8. Those who are obligated to support or minister to the needs of a family; 9. All women, even if they are not nuns (except for the excommunication incurred by nuns for breaking their enclosure, even if it is concealed, which is always reserved to the Pope, as declared by Gregory XIII, as we said in paragraph 36); 40. The young, even if they request absolution after reaching puberty; 44. Those who live in a place from which they cannot leave, such as soldiers, seminarians. And finally, all others who cannot go to Rome without a serious loss, either spiritual or temporal. See book 7, paragraphs 87 and 88.

Note 4: It should be noted that, according to the more probable and common opinion of Castropal, Avila, Coninchii, Milantis, Roncaglia, Salamanca, Viva, Sporer, Dicastilli, and others (contrary to Bonac. and Potesta),

Translated by churchlatin.ai, a product of Boyne Archives

those who are thus impeded are not required to appeal to Rome through a procurator, or by letter, because as long as the impediment exists (as we said in paragraph 40), the ordinary power of the Bishops to absolve is restored, which had been taken away from them by the pontifical reservation. This is especially true because the law does not obligate unless it is a personal appeal; therefore, if someone is personally prevented from going to Rome, they are absolved from all other obligations. See book 7, paragraph 89.

Note 5: It should be noted that, when a penitent cannot appear before the Pope...

[*Latin ed. p. 341*]

Those who are condemned, are necessarily bound to have recourse to the Bishop, in order to be absolved from a papal censure, as is stated in chapter 4, and in chapter "De cætero." This is known from the sentence of excommunication. But when one cannot even present himself to the Bishop (even outside of the danger of death), it is very probable, according to Soto, Navarro, Suarez, Castropalao, Layman, Roncag., the theologians of Salamanca, La Croix, etc., that he can be absolved by any simple confessor (although with the obligation to present himself to the Bishop, once the impediment is removed), as is deduced from the text in chapter "Nuper," in the same title. See book 7, number 92. And then we say that the penitent, speaking for himself, probably, as say Castropalao, Gerson, Soto, St. Antoninus, Lugo, Salas, etc., is not bound to confess reserved sins, unless he is recidivous in them, or because of them there is a proximate occasion, so that it is necessary to manifest them, so that the confessor may rightly judge of his disposition. See book 6, number 265, question 2. And when the penitent is at the point of death, he can probably be absolved by any confessor from papal censures; for in death (as we have said), all reservations cease. We say from papal censures, but not from reserved censures with a penalty imposed by the same Bishop; because the confessor must also order the dying man to present himself to his superior, in case he recovers, so that he may receive from the same both the admonition that is fitting, and the penance for the reserved censures, as well as for the absolutes, according to the common opinion: therefore, how can he be absolved with the superior present, see book 7, number 92. But let us pass on to the other privileges and faculties, with which Bishops enjoy. 46. — II. There are in law certain excommunications, of which the absolution is reserved only to the Bishops; and these are: 1. Against those who strike a cleric, or a monk, or any other person holding the privilege of canon law. 2. Against those who procure an abortion of a living fetus. 3. Against those who are absolved at the point of death from a censure reserved to the Bishop, and afterwards, upon recovering their health, do not take care to present themselves to him. 4. Against the Friars Minor who admit into their churches Friars of the

Translated by churchlatin.ai, a product of Boyne Archives

Third Order to divine services. 5. Against those who communicate in the same offense as those who are excommunicated by the Bishop. 6. Finally, all excommunications which the Bishop reserves to himself are reserved. See book 7, number 213. It should be noted here that there are certain special considerations regarding the absolution from excommunication for striking a cleric. First of all, a distinction must be made between a light (or moderate) and a grievous striking. To incur excommunication, a mortal sin is always required: a light striking, as we have from the Extravagant "Perlectis," which Navarrus recounts at length in "Manual," chapter 27, number 91, is when there is a simple striking, which is done with the hand, foot, stick, and similar things. A grievous striking is when a tooth is knocked out, a notable amount of hair is pulled out, or when there is any striking that leaves a mark, or a contusion on the flesh, or when there is present an effusion of—

[*Latin ed. p. 342*]

Bloodstains, whether caused by blows or scratches, are considered a grave offense. The offense is even greater when a limb is mutilated, or when there is a large wound; or when the wound is caused by an instrument, or when there is a large effusion of blood, or when a very serious injury is inflicted; hence, a wound that initially appears minor can become serious or enormous, either due to the dignity of the person offended, or due to the scandal caused, as if a cleric were to strike a religious person; or due to the sacred or public place; or due to the time, such as during the performance of sacred functions; or finally, if the injury itself is inherently serious. See book 277, section 7, number, and 279, section 47.

Given these considerations, it is stated in the Extravagantia, cited above, that if excommunication is incurred due to a minor blow, it can be absolved by the Bishop, or even by his vicar; for this power belongs to the Bishop by ordinary right, as Sanchez, Bonacina, Molina, and others say, according to the general rule (as we have said in number 31), that whatever the Bishop can do by ordinary jurisdiction, his vicar can also do, since the vicar, together with the Bishop, constitutes one and the same tribunal, as Fugnanus, Sanchez, and others demonstrate. See book 7, section 7, number 224. The same excommunication can probably also be absolved by those who have jurisdiction quasi-episcopal, and who come under the name of Bishop, as we have said in number 31.

Furthermore, if the blow was public, the excommunication can only be absolved by the Pope, or by his legate (although recourse to the Sacred Penitentiary is possible, but not by the Bishop), unless it was concealed; or if those who inflicted the blow were minors, or women, as stated in chapter "Concerning Minors" and chapter "Concerning Women," of the section on excommunication; or if they were prevented from going to Rome, according to what we have said in number 40. Those living in a collegiate body

Translated by churchlatin.ai, a product of Boyne Archives

can be absolved by the Bishop if the blow was serious, but not if it was enormous, as stated in chapter "Quoniam," concerning the life and honor of clerics. See book 7, section 7, number 279, section 48.

It should be noted: 1. That in cases of doubt as to whether a blow is minor or serious, it is judged to be serious, as we have in the aforementioned Extravagantia, which states: "It is better to presume a serious blow, and not to absolve from it."

It should also be noted: 2. That according to the more common and probable opinion, if someone gives poison to a cleric, then censure is incurred when the poison begins to cause harm, because violence is already present; on the contrary, before it causes harm, there is no effective violence, but only an action that is capable of causing violence: thus Bonaventure, Diana, etc., book 7, section 7, number 280, section 49.

III. Regarding irregularities that are not concealed, the Bishop, according to chapter 4 and chapter 2 concerning the children of priests, can grant a dispensation for illegitimate individuals to receive only the minor orders, and simple benefices, and canonries in collegiate bodies, as well as non-integral portions in cathedral churches, or other benefices to which the priesthood is not attached; but not for curacies. This is agreed upon by all.

However, it is doubtful: 4. Whether the Bishop can grant a dispensation for canonries.

[*Latin ed. p. 343*]

Indeed, with a more probable opinion, and with the common opinion of Bossuet, Castropalus, Barbosa, Concina, the theologians of Salamanca, etc. (contrary to Pontanus and Tournely, along with Giberti), we assert that it is not possible; for although a canonry is in itself a simple benefice, nevertheless, by virtue of the Tridentine Council, Session 24, chapter 42, it is attached to the sacred order; hence, today, it requires the sacred order by its very nature. See book 7, numbers 428 and 429.

Doubt 2: Can the Bishop generally dispense in such irregularities with hidden illegitimate [birth]? Diana, Acila, Barbosa, etc., admit that the Council of Trent already permits Bishops to dispense in irregularities arising from a hidden fault. But we deny this, along with Suarez, Layman, Bonacina, Castropalus, Tournely, and others! Moreover, even Diana, in this matter, has shown reluctance, because such an irregularity does not arise from a fault, but from a defect; and even if it did arise from a fault, the chapter "It is permitted" refers to a proper fault, not an alien one. See book 7, number 430.

Doubt 3: Can the Bishop dispense with a hidden illegitimate [birth], at least for the administration of the higher orders already received? Layman, Castropalus, and Diana assert, not only if he has received the orders in good faith, but even in bad faith; and they infer this from chapter "Unless

Translated by churchlatin.ai, a product of Boyne Archives

the person," concerning renunciations, where it is said that the Bishop can dispense with a hidden illegitimate [birth] in one who has been ordained culpably. But this must be denied by all, along with Suarez, Philip of Salamanca, etc., for the reasons mentioned above, because the Bishop cannot dispense concerning the higher orders. Nor does the cited text present an obstacle, because "to dispense" is understood to apply to the Pope; for there, the matter concerns a certain Bishop who was improperly ordained. Ibid., number 434.

They assert, Navarrus, Sanchez, Concina, and also with St. Thomas, that the Bishop can dispense even with a bigamist for the reception of the higher orders and simple benefices. But we deny this, along with Suarez, Layman, Castropalus, Tournely, Barbosa, Bonacina, etc., by virtue of a certain declaration of Sixtus V, in which the Pope declared a certain Bishop suspended, because he had conferred a benefice upon a bigamist, and added that he had incurred penalties, as having been improperly promoted, as cited by Faynard in chapter "Because of the constitution," number 32.

If, however, the bigamy is merely apparent, although it is public, the most common opinion, with Toledo, Suarez, Castropalus, Sanchez, Salamanca, Tournely, and many others, is that the Bishop can dispense even concerning the reception of the higher orders; and this is proven from chapter 4, concerning clerics who are married, if in chapter 4, "Whoever of the clergy or monks," etc. It should be generally excepted if the cleric has a widow, or another who is not a virgin, as his wife, or if he has another wife or ordination. See book 7, number 452.

As we said from the beginning, the Bishop can dispense in irregularities incurred due to a hidden fault, except for voluntary homicide.

[*Latin ed. p. 344*]

Concerning this matter, some doctors state that, notwithstanding the above, if a homicide were concealed to such an extent that it could in no way be proven in a trial, then the Bishop might grant a dispensation. However, this opinion was rightly rejected by the theologians of Salamanca, Roncaglia, etc., because, on one hand, Bishops have no power over irregularities, except for that which was granted to them by Trent in the same chapter. It is permitted, in which it is expressly excepted, voluntary homicide that is concealed. But that which is understood to be contrary to this, namely, that which can be proven in a trial, is entirely free from impediment, even if it has not yet been proven. See book 7, number 392, and thus declared by the Sacred Congregation on May 21, 1748. In that case, the question was whether a Bishop could grant a dispensation in a certain homicide committed by a boy who, while playing with another boy, wounded him with a small sword, and who died forty days later from the same wound; namely, because the offense had been concealed for a period of eighteen years; and because it was morally impossible to bring it before the court.

Translated by churchlatin.ai, a product of Boyne Archives

The Sacred Congregation responded: "No." In the treasury, it is declared: Sacred Congregation, page 85. Furthermore, the common opinion is that a Bishop can grant a dispensation when there is imminent danger to the soul, or another very serious reason, and it would be difficult to appeal to the Pope. See book 7, number 391. Moreover, Suarez, Castrop, Bonac, Salm, and others commonly assert that a Bishop can grant a dispensation in an irregularity caused by a concealed mutilation. See book 7, number 384. Furthermore, it is the most common opinion, along with Navarro, Layman, Sylvester, Barbosa, etc., that a Bishop can grant a dispensation in an irregularity due to accidental homicide, not only if it is concealed, but also if it is notorious, for the reception of minor orders and simple benefices: for this, Bishops could already do in ancient times, as many Doctors testify; and Trent excepted only voluntary homicide, not accidental homicide, even if it is public. See book 7, number 393.

52. — Accidental homicide, *ex causa*, is that in which someone, intending only to strike, causes death through negligence; or if a surgeon is the cause of death through negligence, and similar cases. It is debated whether a homicide committed in a brawl should be considered accidental. Many affirm, as do Diana and the theologians of Salamanca, along with others: but we deny this, along with the common opinion of Suarez, Navarro, Concina, Tamburini, Sporer, and others, along with Diana, who retracts; for he who commits homicide in a brawl, already kills voluntarily. See book 7, number 394. However, it is very probable, and the most common opinion, along with Suarez, Laym, Nav, Tournely, Bon, and La Croix (who calls it the common opinion), that a Bishop can grant a dispensation to him who killed in self-defense, but exceeded to some extent in his defense; for such a homicide cannot be said to be absolutely voluntary.

53. — Regarding the incapacities imposed by the Popes as a penalty, it is debated whether a Bishop can grant a dispensation: such as, for example, an in-

[*Latin ed. p. 345*]

Those who seek to receive benefits, imposed by Sixtus V. in his bull *Effranatum*, which concern procuring abortions; and those who are rendered incapable of celebrating the sacraments by Pope Benedict XIV. in his bull *In generali Congregatione*, concerning confessors, are troubled. Others affirm, but this must be denied, according to what was said in book 4, number 194, where we stated that it must be entirely held that a Bishop cannot grant dispensations in pontifical laws, unless he has been specially granted the faculty by the Pope. Anacletus denies, and Roncaglia speaks with gentleness concerning abortion; but Elbel and Sporer absolutely admit, according to the commonly received rule (as they say) of Scotus, St. Bonaventure, and others; that a dispensation from all penalties imposed by common law, and especially those not reserved to the Pope, is understood

Translated by churchlatin.ai, a product of Boyne Archives

to be granted to Bishops, as can be gathered from chapter *Nuper 29* concerning excommunications. See book 1, number 194, in fine, and book 6, number 705, in fine, 54-VI. Regarding the matter of marriage, the Bishop has various faculties to grant dispensations. He can also grant dispensations in publications. Furthermore, he can grant dispensations in a vow of chastity made by spouses. It remains to be seen whether Bishops have any faculty concerning impediments. 55. - In impediments, only the Pope can grant a dispensation. If the impediment were doubtful, the common opinion is that the Bishop can also grant a dispensation: so say Sa, Merbesius, Tournhem, Diana, Pichler, etc., and although Sanchez in his *Tractatus de matrimonio*, book 8, chapter 6, number 18, denies this, nevertheless in the *Decalogus*, book 4, chapter 40, number 26, he seems to retract; for there he says, as if from a general rule: "Since the preservation of a dispensation is odious, it must be restricted to certain cases; doubtful cases are not included in the reservation," as he asserts he previously demonstrated in book 4, chapter 40, number 7. See book 6, number 902, and the following. 56. - On the contrary, when the impediment is certain, and the marriage has already been contracted, it is the common opinion that the Bishop can grant a dispensation whenever it would not be easily possible to have recourse to the Pope, and whenever there is a danger of scandal or infamy if the spouses are separated, or of incontinence if they are not separated; so say Sanchez, Castrop, Conc. Merbesius, Tournhem, Cabassut, Nat. ab Alex., Bonac, Barb, Salm, etc., against some few. See book 6, number 4123. And Benedict XIV feels the same, in *Le Synodo*, book 9, chapter 2, number 2. It is to be presumed that the Supreme Pontiff delegates to the Bishop the power to grant dispensations, which, if requested, would certainly not be denied to him. But here La Croix and Felix Potesta point out that if a dispensation can conveniently be obtained from the Sacred Penitentiary, and the spouses are in good faith, then that dispensation should be awaited, and in the meantime the betrothed should remain in their good faith. Furthermore, it must be noted, as commonly held by Pontius, Castrop, Barb, Escob, Sanchez, Salm, and others, that the Bishop cannot, if both spouses...

[*Latin ed. p. 346*]

Those who have entered into marriage in bad faith; for if a place were to be given for such dispensations, then an opportunity would be given to celebrate marriages daily without any hope of a dispensation. Furthermore, the Council of Trent, Session 24, chapter 5, absolutely declares that anyone who knowingly violates a prohibited degree shall be entirely deprived of any hope of a dispensation. However, it must be noted, as Sanchez, Salmanticensis, Bannus, Concina, and others state, that in order to establish bad faith in this case, it is necessary that the contracting party not only knowingly commit the act, that is, that they enter into marriage knowingly, but also that they know that an impediment exists, indeed, that they

Translated by churchlatin.ai, a product of Boyne Archives

have true knowledge of it; for the Council says: "scienter præsumpserit" (having knowingly presumed). Therefore, in cases of gross ignorance, a dispensation may indeed be granted. Furthermore, a dispensation must be denied to one who, out of malice, omitted the necessary publications, as is stated in Council Session 80, loc. cit. See book 6, numbers 1124 and 67.

If the marriage has not yet been contracted, there is also a very probable and common opinion that the Bishop can grant a dispensation in a case that removes an impediment, when there is a danger of scandal, and recourse to the Pope is not easy; so say Suarez, Pignatellus, Pontius, Concina, Cabassutius, Castrop, Salmanticensis, Bonacorsi, Curdenas, Sylvius, La Cruz, Viva, and others, with Benedict XIV, De Synodo, book 9, chapter 2, number 2, against the very rigid opinion of Fagnanus, who denies this even in the danger of death, and in the necessity of legitimizing offspring; but others commonly say that in such a case, it should be presumed either that the Pope will delegate his power to dispense to the Bishop, or that in a case of such necessity, the reservation of dispensation ceases, and that the Bishop can then dispense by his ordinary authority. See book 6, number 1122, and more fully in the same book, number 643. Indeed, Pignatellus asserts and proves, in volume 3, Consult. 33, number 6, that in such a case, not only the reservation, but also the law of the impediment, ceases to be in effect, so that it can be removed, which has already become harmful; for it is certainly true that a harmful law does not bind, as all teach, including St. Thomas. From this, Iloncaglia and the *Novus Instructio Confessariorum* infer that, if the case arises in which the betrothed have already gone to the Church, and one of them reveals to the confessor an impediment that has already been contracted, which has been concealed as a sin, and the marriage cannot be postponed without scandal or shame, then the confessor can declare that, in that case, the law of the impediment does not apply, and that the marriage can be entered into licitly. However, for greater caution, they advise that a dispensation be obtained from the Sacred Penitentiary. But it should be noted that this applies when the Bishop is absent; for when that is the case, it is necessary to appeal to him, so that he may grant the dispensation, as we have said in number 45. Sambovius and Gibert say that if the contracting parties are from different dioceses, each betrothed must obtain a dispensation from his own Bishop. However, Ilonoratus and Turnely, among others, probably deny this, because when the impediment of one's subject has been removed by the Bishop, this very act makes him capable of contracting marriage with another.

[*Latin ed. p. 347*]

Otherwise; just as he who has the power to dispense in some matter; by dispensing with one of the spouses, he dispenses also with the other. L. 6. n. 442. 75 58.

It is questioned whether the Bishop can delegate this power to dispense

Translated by churchlatin.ai, a product of Boyne Archives

in impediments that are impediments in the aforementioned cases? Some few deny it, but commonly, Castrop, Bonae, Barb, Sylvest, Sanch, Pontius, Coninch, Salm, Escobar, etc., affirm it. And he can delegate it not only in particular, but also generally for all cases that may arise, as Sanchez, Castrop, Salm, Bonae, Elbel, Valentia, Vasquez, Salas, Henriq, Coninch, Guttierez, etc., say. For since this power is not attached to personal industry, but to the episcopal office, it is already considered ordinary; and therefore, it can be delegated by proper authority, as we noted in n. 34. And much more can be said of all other powers that Bishops have concerning publications and impediments. It should be noted, however, that vicars of the Bishop do not have this power to dispense without their special commission; for we said in n. 31 that in a general commission of vicariate, the power that Bishops have to dispense in such cases is not granted, due to the presumed will of the Pope. See book 6, n. 613, and the following n. 442, 59.

VII. The Bishop can dispense in the intervals prescribed by the Council of Trent concerning the ordination of clerics. And I, concerning the minor orders, the Council remits the granting of such dispensation to the prudence of the Bishop, saying: Minor orders are conferred after intervals of time, unless it seemed more expedient to the Bishop. Session 23, chapter 44. Therefore, even among the minor orders (speaking in themselves), some time should elapse, either from one general ordination to another, as some assert, or from one festive day to another, as some others affirm. However, in order to dispense in such intervals, any sufficient reason suffices, as many Doctors teach. Between the first tonsure and the minor orders, probably no interval is required, because it is probable that the first tonsure is not an order. II. Concerning the subdiaconate, the Council requires an interval of one year from the reception of the minor orders, but adds that unless necessity or the benefit of the Church requires otherwise, it is so. See ibid., verse 44. By "benefit of the Church," it is understood the Church to which the cleric is attached, as it is clear from chapter 43. III. From the subdiaconate to the diaconate, a year is also required; but in this case, the Bishop can dispense for any reasonable cause; for the Council says: Unless it seemed more expedient to the Bishop. Session 23, chapter 43. IV. Finally, from the diaconate to the priesthood, a year is also required, but with greater strictness. The Council requires not only the benefit of the Church, but also necessity, saying: At least a full year, unless the benefit of the Church, or necessity, required otherwise. See book 6, n. 796.

[*Latin ed. p. 348*]

60. — VIII. The Bishop can also grant dispensation to celebrate in another altar, or in a church not designated by the founder, when there is a just cause: for example, if this would be to the benefit of the same church; or if a chaplain is detained by illness, or is engaged in studies, or other affairs; or

Translated by churchlatin.ai, a product of Boyne Archives

if he cannot, without great inconvenience, attend the designated church, or for similar reasonable reasons; thus, generally, assert Castrop, Concina, La Croiæ, Salm, Barbosa, Roncagl, Passerinus, Henriq, Tamburin, Mazzotta, and others; for then the Bishop interprets the will of the founder (as he can rightly do, according to what we shall say in n. 68). However, La Croiæ, with Pasqualigo, rightly makes an exception if the founder had designated the church, and the hour, for the special convenience of the family, or the people, or for the worship of a particular Saint. On the contrary, Lugo and Tourn say that if the founder had no intention in this matter, or if the purpose has ceased, a priest celebrating elsewhere commits only a venial sin; indeed, he is excused from all guilt if he celebrates in a privileged altar, because then it redounds to a greater good of the same founder. See book 6, n. 329.

61. — IX. Furthermore, the Bishop can, for just causes, grant dispensation to others, as well as to himself, to celebrate after midday, as Lugo, Wigandt, Navarrus, Castrop, Laym, Salm, etc., say. Book 6, n. 344, at the end.

62. — X. Formerly, according to canon 14 of the Missarum, dist. 4, concerning consecration, Bishops could also celebrate, either by themselves or through other priests, in any place, even in private houses. But afterwards, by the 22nd session of the Council of Trent, in the decree concerning the celebration of the Mass, etc., it was forbidden to grant Bishops permission to celebrate in other places, except in oratories blessed by them, and intended for sacred purposes, which are considered as public; and therefore, the Mass can be celebrated daily therein. Such oratories should have an entrance to a public road; but this is not to be understood of those which are erected in the houses of religious orders, or of any community, such as in seminaries, convents, hospitals, or prisons, which do not require an entrance to a road, and it is rightly permissible to celebrate in them on solemn days, as the Sacred Congregation has declared. The same should be said of oratories which Bishops have in their own houses, even in country estates outside their own dioceses. Book 6, n. 357.

63. — Furthermore, formerly, according to the last canon of the 6th chapter concerning privileges, when Bishops were absent from their dioceses, they could celebrate, either by themselves or through others, in any house outside their own dwelling. But Clement XI took away this faculty from them; however, Innocent XIII restored it again in his bull, *Apostolici ministerii*, dated May 4, 1723, in which he said that the prohibition was not to be understood of houses in which Bishops were staying, on the occasion of a visitation, or a journey; nor even when Bishops are absent in cases permitted by law.

[*Latin ed. p. 349*]

They perform their duties in another's house. And this was confirmed by another bull of Benedict XIII. But since this privilege is personal to

Translated by churchlatin.ai, a product of Boyne Archives

the Bishop, Tamburinus observes, that other priests, in the absence of the Bishop, cannot celebrate in those houses. See book 6, pages 358 and 64. — It is doubted whether a Bishop can ever grant a dispensation for the celebration of Mass in oratories existing in private houses? Father Mazzotta denies this; but Suarez, Lugo, Castrop, Navarrus, Vasquez, Conchinus, Salm, Holzman, Elbel, Lo Oroiz, and many others commonly affirm that, provided there is a reasonable cause, and provided that permission is not granted permanently as a habit, but only as an act, that is, due to that accidental cause. They say that this does not at all impede the decree of Trent, because by that decree, the power given to the Bishops to grant permission to celebrate, as a privilege, and at their discretion, was taken away (as we said in number 62), but not the power to grant a dispensation for a just cause, as decreed by Clement XI. This must be understood in accordance with the decrees of Paul V and Urban VIII, by which Bishops are prohibited from granting dispensations as a habit, except in the case of some temporary necessity, such as illness, etc. However, some admit this only for a certain number of times within the year; but Pasqualinus and Gallemarte, in Trent, Session 22, decree on the celebration of Mass, number 6 (and Holzman and Elbel do not dissent), say that it can be granted indefinitely as long as that accidental cause persists; and rightly so, because the prohibition (which must always be understood strictly) refers only to permanent dispensations as a habit, and should not extend to those that are granted temporarily as an act, due to some transient cause. But see more on this, as said more fully in book 6, number 359 and 65. — In the final chapter on Penance and Rheims, it is written that Bishops residing outside their own diocese, and lesser prelates, are exempt (by which name are included abbots, superiors of religious houses, and also prelates of the Roman Curia, such as protonotaries, auditors of the Rota, etc., as Suarez, Lugo, Diana, and others say), can choose a confessor, without the permission of the Ordinary of that place. But the Holy See declared (which was confirmed by Gregory XIII, according to Fagnanus) that this must be understood to mean that they can choose either a priest who is subject to them, or a priest who is not subject to them, but who has been approved by their own Ordinary, that is, by the Ordinary of the domicile of that priest, as Lugo explains. See book 6, number 565. See also. It is doubted here. — Cardinals also enjoy this privilege, but only in Rome, as Fagnanus says: and they can choose any priest as a confessor, both for themselves and for their family, whom they can even take outside of Rome; which is also granted to Bishops. Ibid., verse 2. 66. — Bishops are delegates of the Apostolic See to safeguard the enclosure of monasteries of nuns, even those who are exempt, and those who are not.

[*Latin ed. p. 350*]

These matters are subject to the jurisdiction of the Bishop. From this,

Translated by churchlatin.ai, a product of Boyne Archives

Butrius, Clericatus, Pellis, etc. (against Diana and Pasqual), infer that Bishops can reserve cases concerning enclosure for themselves, and thus the Sacred Congregation declared on November 46, 1620. This must also be understood with respect to the Jesuits, etc. 67. — All confessors of nuns, even those exempt, must be approved by the Bishop, as prescribed by Gregory XV in the bull *Inscrutabilis*, which was confirmed by Clement X in another bull, also *Inscrutabilis*, and later by Benedict XIII, and recently by Clement XII, who in all respects confirmed Gregory's bull (of which more below, n. 80), even with regard to those things which Benedict XIII had conceded contrary to Gregory's bull. L. 6, n. 577. And therefore, Tamburinus also states that exempt nuns are subject to cases reserved by the Bishop, because, just as the Bishop can limit the time and persons, so too can he limit the cases. But others, more commonly and probably Pellis, Quintanad, and de Alexand.), deny this, because exempt nuns are outside the jurisdiction of the Bishop; and the approval of a confessor only concerns his suitability; all the more so, because in the bull *Superna*, it is stated that the Bishop can limit the time, place, and persons; and there is no mention of cases. See lib. 6, n. 602, Quest. VI. But this does not apply to enclosure, concerning which the Bishop can rightly reserve both cases and censure for himself; as we stated above, n. 80. Furthermore, it should be noted that by the bull *Postoralis*, Benedict XIV allows the Bishop to assign an extraordinary confessor to exempt nuns, if their regular superior were to refuse to grant one (who must be of another order, or secular), and this not only in the case of death, but also in life, each year. See lib. 6, n. 576. 68. — Some Doctors assert, as Angel. Sylvest. Arnilla, Tabiena, and others with Croica (who adheres to them), that the Bishop can change the pious dispositions of testators, based on the fact that they have the power to grant dispensations in the law which commands that the last wills be fulfilled, whenever a just cause is present; and they confirm this from the Council of Trent, session 22, canon 6. But we disagree with this, with the more probable opinion of Mol, Laym, Sanch, etc., because in the chapter *De testam.* and in chapter 8 of the same session 22, the Bishops are commanded to diligently fulfill the last wills. Nor does the objection they raise, and which is read in the same chapter 8, invalidate this, because there it is only entrusted to the Bishops to examine the cases, whether they are true or not, when the last wills are committed to the Apostolic See. All the more so, because in Clement's *Quia contingit*, concerning religious houses, it is stated that goods cannot be applied to another use unless by the Apostolic See. Furthermore, it is very probable that Laym, Bonae, Salm, Coninch, and Trull state that, whether a certain cause arises, or the testator is unaware of a certain cause, which, if he had known it, he would have disposed of differently, the Bishop can change the disposition, but only

Translated by churchlatin.ai, a product of Boyne Archives

together with a *hereditas* (inheritance).

[*Latin ed. p. 351*]

It is asserted by some Doctors that, should a heretic contradict, several Doctors maintain that this can be done by a Bishop, even while the Bishop contradicts him. See more on this in book 4, paragraph 931; Question 2, paragraph 69; and Section 14.

Furthermore, Doctors such as Viva, Diana, Trull, Busemb, and others, state that a Bishop can grant a composition regarding uncertain restitutions (that is, those whose owner is uncertain) which are to be given to the poor; because, as they themselves say, such a composition is not reserved to the Pontiff by any law, but rather is made according to the presumed will of the creditors. However, it is more reasonable to object to this, as Lugo, Molina Turrianus, Corduba, and others do, because the administration of such goods pertains only to the Pontiff, or to the prince. See book 4, paragraph 594, note. And in truth, Pope Benedict XIV, in the bull *Pastor bonus* (April 23, 1744), granted this faculty to the Sacred Penitentiary. See law 7, number 470, ad X, 70.

Moreover, La Croiæ, Tam, and Pasq. assert that a Bishop can reduce the number of masses left by a testator, whenever it is found that, due to the smallness of the alms, the one who would celebrate the masses cannot find sufficient resources. But here, Father Concina objects, and indeed reasonably; for the decree of the Sacred Congregation, issued by order of Urban VIII, and confirmed by Innocent XII, strictly prohibits Bishops from reducing, moderating, or changing the obligations of masses imposed at the foundation of the endowment, and after the Council of Trent, wishing that, in this matter, everything should be referred to the Apostolic See. As was rightly declared there, the faculty granted to Bishops, and others, by the Council, session 28, chapter 4, is to be understood as a reduction of masses left before the Council. Otherwise, Pugnatius, while defending Felino, argues that if, from the beginning, the revenues were sufficient, and then were diminished in such a way that they are in no way sufficient, then the faculty that Bishops have by common right to moderate masses does not seem to be removed. We, regarding testaments, see book 6, paragraph 331, note, doubt 4, 74.

It has already been stated above, number 53, that a Bishop can probably grant dispensations in all matters in which dispensation is not specially reserved to the Pontiff. It should be noted here, finally, that, according to the Council of Trent, session 21, canons 6 and 7, a Bishop can unite, or transfer to another Church, simple benefices that have been reduced to a minimum, or that are founded in a Church that has collapsed with the passage of time, so that it can no longer be repaired. See Barb. de pot. Ep., allocation 66, number 16. Furthermore, a Bishop can unite simple benefices to seminaries, even if they are reserved, or affected, or vacant in the Roman

Translated by churchlatin.ai, a product of Boyne Archives

Curia. See Council of Trent, session 23, chapter 48. Furthermore, during the time of visitation, a Bishop can compel parishioners to provide what is necessary for the parish. See Council of Trent, session 21, canon 4. He can also erect new parishes, and endow them from the fruits of the tithes, if these are abundant, but without prejudice to the possessor. See the same place. He can also unite two parishes, if neither can sustain its parish by itself; provided that the people are not so far apart that the assistance of one parish priest is not sufficient. Ibid., canon 4.

[*Latin ed. p. 352*]

CHAPTER IV. OF THE PRIVILEGES OF THE REGULAR CANONICS. Concerning the privileges pertaining to all Regular Canons in common. 3. Of the exemption from the jurisdiction of Bishops. 72, 78, and 74. Exceptions concerning the celebration of Masses. 75. Declaration of the Holy See. 76. In which cases may the Bishop obligate the Regular Canons, etc. 77. To what extent are the Regular Canons bound by the precepts of Bishops? 78. To what extent may the Bishop visit them? 79. Concerning the visitation of the cloister of nuns. 80. Concerning the request for an accounting of Masses celebrated, etc. 81. In which cases may the Bishop proceed criminally, etc. 81 and 83. II. Concerning the obligation of tithes. 84 to 87. III. Concerning foundations. 85. Concerning monasteries subject to the Bishop. 89. IV. Concerning the conservator judge. 90. Concerning burial. 91 and 92. Concerning the canonical portion, etc. 93 and 94. 72. — I. Regular Canons possess the privilege of exemption from the jurisdiction of Bishops, for Regular Prelates possess in their churches and monasteries a jurisdiction almost episcopal, both concerning persons and places, as Salm. demonstrates, who treats more fully of all the aforementioned privileges in this matter, but we shall only indicate here the more principal matters. Salm. tr. 48, c. 3, p. 1, § 1, n. 3. 73. — Therefore, concerning this aforementioned exemption, it should be noted first that in cases of doubt concerning any privilege, the decision belongs to the Supreme Pontiff, as declared by Clement IV. and by other Pontiffs. Salm. ibid. n. 6. It should be noted secondly that the Regular Canons cannot relinquish this privilege, as is stated in cap. *Cum tempore, de arbitris*, because this would be to the detriment of the religious order. Therefore, no custom to the contrary can prevail in this matter. Salm. ibid. n. 7. 74. — It should be noted thirdly that not only the professed and the converted, but also the novices, who come in a favorable manner under the name of religious, and also the tertiaries and the beatified, enjoy this privilege, as is stated in n. 8. Also, the servants of the Regular Canons, who actually serve, and reside within the cloister of monasteries, and live under obedience, are, according to the Council of Trent, session 24, c. 44, exempt from the jurisdiction of Bishops, both concerning censures (according to the bull of Alexander IV. apud Salm.), as well as concerning the Paschal Communion. See Salm. ibid. n. 8, and see book 6, n. 240, at the end. It

Translated by churchlatin.ai, a product of Boyne Archives

should be noted fourthly that apostates and fugitives can be apprehended by Bishops; but only so that they may be handed over to their Superiors. The Bishop alone could punish them in the case in which their monasteries were situated in a distant place, and if, after being warned, they were unwilling to return, according to Trent.

[*Latin ed. p. 353*]

Session 7, chapter 3. Salm. cited, note 8. See other things said about this heresy, notes 82 and 83. Note fifthly, that secular individuals residing in monasteries, if they commit a fault there, do not incur the penalties imposed by the Bishop. Salm., ibid., note 9, and treatise 40 on censures, chapter 4, page 9, number 413 and following, with Laym, Avila, Peyrin, Garzia, and others. This is except if they violate the Bishop's ordinances concerning the celebration of Mass, as will be said at the end of the following number 75. Sixthly, many things are noted here in which Regular clergy are not exempt from the jurisdiction of Bishops. And firstly, without the permission of the Bishops, Regular clergy cannot build monasteries, according to the bull of Urban VIII, dated August 28, 1624. And note that in the bull of Gregory XV, it is forbidden for Bishops to grant this permission if there are not at least twelve Religious in the monastery, either by revenues or by alms, but this is not understood to apply to hospices, as Barb. Peyrin and others say. Secondly, Regular clergy cannot publish books without the permission of the Bishop, as stated in the Council of Trent, session 4, decree on the publication of books. Salmanticensis, treatise 18, chapter 3, page 4, paragraph 2, note 10 and 41, 3. The Bishop can compel Religious to return to the novices everything that they brought when they entered, if they do not wish to make their profession, as stated in Salmanticensis, ibid., note 43. 4. The dispositions that must be made by a novice cannot be made before two months have passed since they professed, (according to the Council of Trent, session 25, chapter 46), without the permission of the Bishop or his vicar. 5. The Bishop has the power to inquire, together with the superior, about the cause of a Religious's nullity of profession. Salm., cited, note 43, at the end. 6. The Bishop, or someone deputed by him, must examine the will of the virgins when they enter or profess in monasteries, according to the Council of Trent, session 23, chapter 7. But this must be done within a period of fifteen days, otherwise he cannot further interfere in this matter. 7. The Bishop can prohibit the acceptance of more women into monasteries, even those exempt, than those who can be supported there according to the resources available, as was established in the bull of St. Pius V. Salm., ibid., note 44. 8. The Bishop can compel monks who permanently reside outside the monastery walls, to pay debts contracted by them with poor people, such as orphans, widows, etc. Salm., ibid., note 45. 9. The Bishop can require Religious to participate in processions, according to the Council of Trent, session 25, chapter 43, provided that he calls them not by a public

Translated by churchlatin.ai, a product of Boyne Archives

edict, but by some personal messenger. Salm., loc. cit., notes 46 and 47. 10. The Bishop has jurisdiction over monasteries in which there are not at least 12 Religious, as will be said in note 88. Then, the Bishop's ordinances concerning the celebration of Mass are excepted: for with regard to this, the Council of Trent, session 22, on observance in the celebration, states that Bishops should act as delegates of the Apostles, saying: "So that not only those things, but whatever other things may seem pertinent here, they may prohibit as delegates of the Apostolic See."

[*Latin ed. p. 354*]

Furthermore, they must diligently ensure that these things are observed, and they can compel the faithful people to observe them, notwithstanding any privileges, exemptions, or customs to the contrary. Moreover, it should be noted that in a response from the Sacred Congregation to the Bishop of Neapolis, dated February 7, 1634, it was generally stated: "In those matters in which the Bishop has jurisdiction by law, either by the decree of the Holy Council of Trent, or by Apostolic Constitutions, he can compel the Regular clergy, even through ecclesiastical censures." And the same decision was made on June 4, 1672. Therefore, as Benedict XIV rightly observes in *Synodus*, book 9, chapter 15, number 5, "Bishops, with regard to the celebration of Masses, can compel all, even the Regular clergy, to observe not only those things that are established by the Council, but also those things that are established by themselves." Therefore, it was rightly decreed by the Most Eminent Cardinal Spitelli, when he was Archbishop of Neapolis, on January 5, 1743, that even the Regular clergy should not admit any visiting priest to celebrate in their churches without the permission of the Ordinary, under pain of suspension from divine offices.

76. — Other things are noted that have been declared by the Sacred Congregation in a decree dated July 2, 1520. And: 1. Regular clergy can receive what is offered by the faithful, but they cannot beg within the church. 2. They cannot use the pallium, or the rain cape, within the parish outside their own churches, nor can they wear their habit; nor can they make processions, unless they have a custom to the contrary, as Rodriq. Boidon and Villalobos state. See Salm, *Tractatus*, book 18, chapter 3, page 4, paragraph 2, numbers 18 and 19. 3. Those called to funerals must go to the church where the clergy are customarily gathered; but Salm, with Lezana, states that there is a custom to the contrary in this regard. Salm, *Tractatus*, book 18, page 4, paragraph 2, number 19. 4. It cannot be forbidden to the Regular clergy to celebrate Mass in their churches before the parochial Mass, and to ring the bells, as declared by St. Pius V in the Constitution *Etsi Mendicantium*, paragraph 2. 5. Regular clergy cannot publicly celebrate marriages. 6. They can themselves preach in their churches during Advent and Lent, even if a sermon is given in the parish. See Salm, cited above, number 19.

Translated by churchlatin.ai, a product of Boyne Archives

77. — In three cases, the Bishop can compel the Regular clergy to obey, even by imposing censures: first, to restore things to their former state, as stated above, according to the decree of the Council of Trent, session 25, canon 16, 2; second, to observe the enclosure. Speaking of nuns, the Council of Trent, ibid., canon 5, 3; third, to observe everything that has been established by the Bishop with regard to the collaboration in Masses, as stated in number 75. And concerning this, Benedict XIV, in *De Synodo*, book 9, chapter 15, number 5, refers to two decrees of the Sacred Congregation, in which it was stated that "Bishops, as Apostolic delegates, can also compel Religious, and proceed against them, if they admit visiting priests to celebrate in their churches without the permission of the Bishop, according to the decree of the Council of Trent, session 25, *De Observ. in stat.*, where it was decreed, especially..."

[*Latin ed. p. 355*]

To the Bishops: They are to forbid that Masses be celebrated by any wandering or unknown priest. Furthermore, in other cases mentioned above, can the Bishop compel Regulars to submit to censure? Barbosa, Garzia, and others affirm this, but Sanch, Lezana, and Salm, along with others, deny it, due to many papal privileges pertaining to this matter, and they add, along with Barbosa, Garzia, Lezana (contrary to others), that the Bishop cannot even denounce excommunicated Regulars, even for a public offense. Salm, book 3, chapter 4, paragraph 78.

A question arises: Are Regulars bound by the decrees of provincial or diocesan synods, or by other episcopal precepts? It is certain that Regulars are not required to attend these synods, unless they are parish priests, as is stated in the Council of Trent, session 24, chapter 2, and in many decrees of the Holy See.

Regarding the question, Vasquez, Sanch, Becanis, and others say that they are bound to observe all of them, except those that prejudice the observance of their rule; but it is not understood that they are compelled by force, so that by disobeying they do not incur any penalty, but only by way of direction, that is, so that they conform to the common good, of which they are parts. Others, such as the Suarezites, Lezana, and the Sulmontines, deny this, unless it is necessary to avoid scandal, or if it is a matter of honor, in which case religious have some dependence on the Bishop, such as parish priests, confessors, or preachers. And they prove this from chapter 4 of the title "De Privilegiis," where it is said that Regulars are exempt from the precepts of the Bishops, except in cases expressly stated by law.

Furthermore, they say that the reasoning of the opponents is valid when the parts are homogeneous, but not when they are heterogeneous, as are religious, who have many other particularities that seculars do not have.

In two cases, they are undoubtedly bound to obey, as is said in the Coun-

Translated by churchlatin.ai, a product of Boyne Archives

cil of Trent, session 25, chapter 12, I: regarding the observance of the interdict imposed by the Bishop, which is always and everywhere observed by the mother Church. II: Regarding the observance of the feasts established by the Bishop. See Salm, treatise 18, chapter 3, page 1, paragraph 4.

Besides the ordinances concerning the celebration of Masses, as mentioned above in number 75, concerning this matter. Furthermore, it should be noted that the Bishop can forbid Regulars from hearing confessions in their own houses or cells, according to a decree of the Holy See issued in the year 1617, on September 15, as can be seen in P. Ferraris. He can also forbid all confessors from hearing the confessions of women or girls outside the confessional, under pain of suspension from hearing confessions, according to a decree of the Congregation of [date], as can be seen in the same Ferraris.

A question arises: Can Bishops visit the persons and monasteries of Regulars? In general, it is certain from chapter "Nulli," question 4, and from the Council of Trent, session 25, chapter 8, that those who are exempt from the visit of the Bishop, both persons and monasteries, and the Church of [place name], are exempt.

[*Latin ed. p. 356*]

A parish church (provided that twelve Religious live there. See n. 88). And according to several declarations of the Sacred Congregation, also secular parish churches, which are subject to the Religious order, and where the parish priest is a Religious; who, if he should commit an offense, even concerning his office, could not be punished by the Bishop. But notwithstanding this, in addition to the bull *Inscrutabili* of Gregory XV, it has been declared and defined by Benedict XIV in the bull *Cum nuper*, dated 51st year of his pontificate, 1754, that such individuals are subject to the Bishop in matters pertaining to the exercise of the care of souls, or even to their life and morals. But furthermore, Benedict XIV addresses this matter more fully in a special bull, *Firmandis*, issued on November 6, 1744, where he establishes the following: 4. That regular parish priests are in all respects subject to the jurisdiction, correction, and visitation of the Bishop, in matters concerning the care of souls and their own conduct. 2. Regarding local visitation, they can visit the altar where the Sacrament of the Holy Eucharist is reserved, the sacred tabernacle, the baptismal font, the confessional where the parish priest resides, the pulpit from which the parish priest preaches, the sacristy for inspecting the sacred vestments, the burial place of the parishioners, and their cemetery, the bell tower, if there are parish bells there, all the sacred vessels. 3. Regarding personal matters, they must examine the life and conduct of the pastor, as far as it has manifested itself outside the cloister; also, they must examine whether he legitimately holds the title to that office, whether he resides there, whether he has been summoned to the synod, whether he frequently holds conferences on mat-

Translated by churchlatin.ai, a product of Boyne Archives

ters of conscience, whether he fulfills the duties of his office, whether he applies the Mass for the people, whether he has preached on feast days, etc.; whether he is available to hear confessions, whether he provides assistance to the sick, whether he instructs children before Confirmation and Communion, whether he inquires about impediments to marriage, and whether the betrothed have been instructed in matters of faith, and whether he has properly ordered the parish books. 4. Although superiors may not appoint someone to the care of a parish without the approval of the Bishop, they can nevertheless remove him from that office, even without the knowledge of the Bishop, and likewise the Bishop can deprive him of that care without the consent of the superior, if there is a just cause for it, etc. He can also visit churches that are annexed to monasteries, provided that the administration of those churches is in the hands of secular priests, as the Sacred Congregation has declared on several occasions, according to Bellarmine and Barbosus. This exception does not apply if they are incorporated into monasteries, or if they belong to no diocese. Furthermore, Bishops can visit secular confraternities founded in monasteries, but only with regard to the administration of goods, and not with regard to the altars, as stated in the Council of Trent, session 25, chapter 20, and in several decrees of the Sacred Congregation. Furthermore, those confraternities are exempt, whose prefect is a Religious, by the privilege of Gregory XIII, to whom no contrary custom can be opposed. Salm. tr. 48. c. 3. p. 4. §. 5. n. 31 to 36. 80. — Question 3. Whether Bishops can visit monasteries.

[*Latin ed. p. 357*]

Concerning the exemption of monasteries of nuns? Salm denies this in book 1, chapter 38. Others, such as Navarrus, Sanchez, Bonaventure, Pellizzari, etc., from the chapter "De statu monasticorum," in book 6, explicitly grant the superiors of monasteries of exempt nuns the authority to care for the monastery. Furthermore, it is objected (as they claim, from the 25th session, canon 5, of the Council of Trent, from which those who hold the opposing view argue that Bishops are apostolic delegates concerning the monastery of exempt nuns, since it is stated there that they should care for it, so that the monastery may be restored or preserved in all monasteries subject to them in the ordinary manner, while in others it is under the authority of the Apostolic See). However, they respond that, in the phrase "in others," they do not understand monasteries subject to regular canons, but rather monasteries immediately subject to the Pope, which, they assert, was declared by Pope Pius V in his bull "Circa pastoralis"; moreover, the Council in the aforementioned passage renews, rather than revokes, the cited text from "De statu monasticorum." Despite these objections to the contrary, it is necessary to agree with Barbosa, Gavanto, Lezana, etc.; for although the Council of Trent may not have explicitly stated it, nevertheless the bull of Gregory XV, issued in the year 1622, states: 1. That regular

Translated by churchlatin.ai, a product of Boyne Archives

canons may not appoint another to hear the confessions of the nuns, except for one who has been approved by the Ordinary (and it should be noted that, furthermore, Benedict XIV, in his bull "Pastoralis" of August 5, 1748, confirms the bull "Apostolici ministerii" of Benedict XIII; that is, that if the superior of a regular canon neglects to appoint an extraordinary confessor, or a secular priest, or one of another order, as the Pope commands, the Bishop of the diocese may appoint one). 2. Gregory XV decreed that the administrators of the monasteries of these nuns must render an account of the administration of goods to the Bishop. 3. That the Bishop may remove the confessor, or another administrator of the monastery, if the superior, after being warned, does not remove him. 4. That the Bishop may preside over the election of the Abbess. And fifthly, it was specifically decreed that the Bishop may correct and punish, as a delegate of the Apostolic See, all those who admit anything contrary to the monastery of the nuns, even those who are exempt. It is fitting to note the words of the bull: "That both secular and regular canons may not claim any privileges that would prevent them, if they have committed an offense concerning those who live within the enclosure, or concerning the enclosure of the nuns, even those subject to regular canons, from being punished and corrected by the Bishop, as if he were a delegate of the Apostolic See." See Barbosa "De pot. Episc." appendix 102, number 7, and Salm, book 18, chapter 3, page 4, paragraph 5, numbers 37 to 39. Furthermore, Barbosa cites a decree of the Sacred Congregation, in which it is stated that in no way may the Bishops be prevented from visiting monasteries that are exempt, and those subject to regular canons, with regard to the observance of enclosure, and that he who presumes to obstruct this, after the third warning, incurs excommunication by this very act, according to Clement. See "Attendentes de statu mon." See also de Alexandro "de monial." chapter 6, number 4, question 3. Furthermore, it is to be noted in this place.

[*Latin ed. p. 358*]

It is the case that Clement X and Clement XII ordered that the bull of Gregory XV should be observed, notwithstanding any contrary custom. 81. — The following question is raised: Whether Bishops can demand an account from religious orders regarding inheritances left to them with the obligation of offering Masses, or for the satisfaction of debts owed by legatees. It is held that they can, based on what is derived from the 22nd session of the Council of Trent, canon 8, where power is granted to Bishops to visit all pious legacies, notwithstanding any privilege to the contrary. And Salm. states that, from this, the opinion in question can rightly be considered probable. But he himself later denies this, due to many privileges granted to religious orders, especially by Pius V, in which the goods of the religious are declared exempt from any episcopal jurisdiction, notwithstanding any apostolic constitutions and councils. Salm. tract. 48, chapter 3, page 4, para-

Translated by churchlatin.ai, a product of Boyne Archives

graph 5, numbers 40 to 42. 82. — The following question is raised: Whether a Bishop can proceed criminally against religious orders in any cause? It is stated that religious orders are exempt from episcopal jurisdiction, except in cases expressly provided by law. Besides what pertains to the celebration of Masses and the enclosure of nuns; in two other cases, Bishops can proceed against them according to the Council of Trent: 1. If a religious commits a crime by living outside the monastery, Council of Trent, 6th session, canon 3. But this is understood with respect to those who permanently reside outside the monastery, and not with regard to that religious who remains outside for the purpose of hearing confessions, or preaching, or for some other temporary business, or who resides in a village or other place dependent on the monastery for the sake of religious duties. But this raises a doubt: whether the Bishop can punish that delinquent who resides in another place for a long time with the permission of his superior? Some affirm this, such as Tamburin, Barb, Lez, etc., with numerous declarations of the Sacred Congregation. Others, such as Salm. with Sanch, Sylvestr, Peyrino, Bordono, etc., deny it, based on the chapter "Ex Reseripto, de jure fur." where it is stated that he who remains outside the monastery with the permission of his superior is considered to remain within the monastery. Therefore, they argue that both the Council and the aforementioned declarations are understood to apply to those who reside outside the monastery without permission, or in a place so remote from their superior that they cannot be punished except after a very long time. Salm. ibid., paragraph 6, numbers 46 to 48. 83. — The second case is when a religious, even residing in the monastery, commits an offense outside of it, causing public scandal to the people, and the superior does not punish him. Council of Trent, 25th session, canon 14. And because some superiors were sending such offenders outside the diocese, so that they would be exempt from punishment, Clement VIII, in the year 4596, in the bull "Susceptis oneris," decreed that in such a case, at the request of the Bishop, the superior must, within a time prescribed by the Bishop, recall the delinquent and punish him, otherwise—

[*Latin ed. p. 359*]

The local Bishop is to chastise him, as he himself is subject to such discipline: *Salm. tract. 18, cap. 3, p. 1, § 6, n. 46-48*. Furthermore, Salm. and others note that such a council decree should be observed, even if the offense is notorious, provided that the offense is also made public. Secondly, it is not valid against superiors who have committed offenses, and who are not included under the name of regulars, as the council states. Thirdly, the Bishop cannot proceed with punishment unless he has repeatedly warned the superior, and the superior has neglected to act. However, if the Bishop apprehends the offender in the act of committing the offense, he may take him into custody (as has been said), but he must immediately hand him

Translated by churchlatin.ai, a product of Boyne Archives

over to the superior; and if the offense is of a grave and scandalous nature, he may even detain him in prison, provided that he transmits him to the superior within at least 25 hours. The superior must then provide the Bishop with sufficient evidence of the punishment that has been imposed. The Bishop, although he may take a brief account of the matter to pass on to the superior, cannot initiate a formal legal process against the accused; but if he were to do so, it is likely that the superior could use this to proceed against the religious in his own jurisdiction, as Salm. and others state in the aforementioned passage, n. 50 and 51, 84.

Secondly, regulars have the privilege of exemption from the payment of tithes. Taking this opportunity, certain matters concerning tithes are appropriately noted here. Tithes are defined as that portion of the fruits of the land, or of the industry of individuals, which is to be paid by the faithful for the support of the ministers of the Church. In truth, tithes are due by natural divine law; but as for the quantity, that is, one-tenth, they are due by ecclesiastical law, just as the ancient divine law has ceased, as is the case with judicial matters. Hence, it follows that 4. the Pope can exempt anyone from the burden of tithes; the Pope, I say, not Bishops: the latter can only, according to the decree of the Council of Trent, session 21, cap. 5 and 7, apply the tithes of one place to another, and unite, and separate benefices. See *Salm. tr. 18, cap. 3, p. 2, § 4, n. 52 and 54*.

It follows secondly, that custom can legitimately exempt some from paying tithes, provided that what remains is sufficient for the proper support of the Church; but such a custom must have a prescription of forty years without interruption, even if, from the beginning, neither a valid title nor good faith were present. Furthermore, for prescription (taking the word in its proper sense), good faith and forty years with a valid title are required; without a valid title, a period of time that is truly unmemorable is required. Agreements can be made regarding future tithes; but only by the Pope, not by the Bishop; unless it is an agreement between one Church and another. It is said regarding future tithes, because he to whom they are due can also remit past tithes. *Salm. tr. 18, cap. 3, p. 2, § 4, n. 55, 85*.

Formerly, as has been said, tithes were due both from the fruits of land and from the industry of individuals. But according to the almost universal custom today, they are paid only from the fruits of property, both real and personal, according to the chapter "On Tithes." And they are due...

[*Latin ed. p. 360*]

From the entire fruits, without deducting expenses and burdens of contributions, as St. Thomas says (Summa Theologica 2-2, question 87, article 2, ad 4, and others commonly from chapter Cum non sit, de decim. Salm. ibid. numbers 57 and 58, 86). Furthermore, tithes must be paid by all the faithful, even by princes, but not by the poor; however, all, unless they are in extreme necessity, but only in a grave case, if they were to come into

Translated by churchlatin.ai, a product of Boyne Archives

a better fortune, are obligated to pay past tithes, as Suar., Laym., Castr., and others say, with Salm. ibid. number 59. As for the common right, both clerics and religious, and even parish priests, are obligated to pay tithes on their patrimonial goods, even if they had been assigned to the title of ordination, but not on the goods of benefices, as taught by D. Thomas (l. c. a. 4, in corp. and ad 4, ex c. Si quis laicus 16, qu. 1). Regarding those who fail to pay tithes, the Council of Trent (session 25, chapter 42) states: "Those who withhold or obstruct tithes are excommunicated, and shall not be absolved from this crime unless full restitution is made." See Salm. ibid. numbers 60 to 62, 87. But whatever may be the case regarding ancient law, today, due to many pontifical privileges, all religious, even monks, of whatever order (and also the Knights of Jerusalem) are exempt from tithes, not only personal tithes, but also tithes on their properties, both those owned directly (and even if cultivated by tenants) and those leased, such as farms. See Salm. tr. 18, chapter 3, page 2, § 3, numbers 72 to 79. It should be noted, however, that if goods already subject to tithes pass into the domain of a religious order, they remain subject to the same obligation, according to numerous decrees of the Holy See and the Rota, as found in Pignat. volume 4, Cons. 355, and volume 8, Cons. number 9, 88.

III. Formerly, it was forbidden for religious orders to build new monasteries, or to abandon those that had been built, without the express permission of the Supreme Pontiff, (Cap. 4, de excess. prælat. in 6, ex cap. un. de Relig. Dom. in. 6). Over time, they obtained various privileges; but all of these were limited in the year 1624 by Urban VIII in the bull Romanus Pontifex, in which it was established that new monasteries could not be accepted unless the form of the canons of Trent and the bull of Clement VIII, Quoniam ad institutum, were observed. Therefore, today, three things are required to found a new monastery: 1. The permission of the Bishop. Whether the permission of the Pope is also required is affirmed by some, such as Barb., Tamb., Pelliz., based on a declaration of the Holy See, while others deny it, such as Salm. with Lez., Suar., Rodr., and others. 2. There must be the consent of those whose interests are involved, and the notification of all existing monasteries within a distance of four Roman miles; otherwise, the Bishop cannot grant said permission, unless those involved are acting unjustly. Salm. l. c. page 4, numbers 124 to 431. However, the Carmelites have the privilege that no other orders can be founded where they have a monastery within a distance of 560 Florentine ells; and the Minorites within a distance of 1200 ells, etc. In contrast, the Discalced and the Jesuits.

[*Latin ed. p. 361*]

They have the privilege of founding houses even in places not far distant, within a space of 560 cubits of the aforementioned [territory]. And in all these privileges, the right of communion is granted. But these aforemen-

Translated by churchlatin.ai, a product of Boyne Archives

tioned distances, according to custom, are not to be understood as applying to monasteries which are founded in cities. See Salm. tr. 18, c. 3, p. 4, § 2, n. 137 to 140. It is required that a new monastery be able to support twelve religious with its revenues or alms; however, it suffices that there be within a reasonable time a probable hope of such sufficient support. If a monastery (meaning monasteries founded after the aforementioned bull of Urban VIII, issued in the year 1624) were not able to support twelve religious, who were truly residing there, it was decreed by the Sacred Congregation in several decrees, confirmed by Gregory XV and Urban VIII, that such a monastery should be entirely subject to the Bishop, in these words: "Monasteries erected without the knowledge of the Bishop are to be subject to the visitation, correction, and all other forms of jurisdiction of the Ordinary of the place, even if twelve religious are able to reside and actually reside therein." Salm. ibid., § 4, n. 129 and 130. The same conditions are required for founding monasteries of nuns. And it should be noted here that, according to the Council of Trent and the Sacred Congregation, monasteries of nuns are not to be founded outside the established [territory]. Ibid., n. 434, 89. These aforementioned conditions are not required for founding religious houses, as noted by Peyrinus, Tamb., etc., at least (as Lezana limits it), if they do not receive Mass there and do not have a church. Salm. ibid., n. 432. Nor are they required for the translation of monasteries, which can be founded (as Salm. with Navar, Barbos, Peyrino, Lezana, etc., prove) without the consent of the Pope, the Bishop, or other monasteries, provided that the translation does not cause them any prejudice; for they say that they previously had such a privilege granted by several Popes, and that it is limited only to new foundations, such as those which are not called translations of monasteries from one location to another within the same territory (as is understood), or near it, abandoning the old monastery. And in such a case, the religious retain all the goods and rights of the abandoned monastery. Salm. ibid., § 3, n. 141 to 143. Furthermore, religious, by concession of Urban VIII and Innocent VIII, when one monastery lacks revenues and alms, may, in effect, incorporate it into another. Salm. ibid., § 5, n. 450. Moreover, they may freely return to abandoned monasteries, provided that this does not bring about any new prejudice to other monasteries. Salm. tr. 48, c. 3, p. 4, § 4, n. 448. Furthermore, superiors of religious orders may, by concession of Sixtus IV and the same Urban VIII, suppress miserable monasteries, transferring their goods to larger monasteries. It should be noted here that monasteries granted by universities, when abandoned, must be left in the hands of the Ordinary, but if they have their own revenues,

[*Latin ed. p. 362*]

and those which have been built with alms remain under the jurisdiction of religious orders, so that they may freely dispose of them. Psalm, ibid.,

Translated by churchlatin.ai, a product of Boyne Archives

verse 147, 90. — IV. Regular canons have the privilege of choosing a judge and guardian, who will judge all cases in which religious are involved, both as plaintiffs and as defendants, but only when they are defendants for injuries and manifest violence inflicted upon them. See Salm., treatise 48, chapter 3, paragraphs 152 to 178. 91. — V. Regular canons have the privilege of admitting all those who wish to be buried in their churches. We note here certain important matters concerning burial, which are discussed more fully by Salm., ibid., section 6, paragraph 179. Anyone who has reached the age of puberty may choose their burial place, even a bishop; unless they choose one for themselves, they must be buried in the cathedral. Salm., ibid., paragraph 186. Religious, however, must be buried in the monastery, even if they die outside of it, provided that the place is not too far away. Novices may choose to be buried outside the monastery; if they do not do so, they must be buried in the monastery, even if they die while residing in another house with the permission of their superior. Salm., ibid., number 487. The same applies to those who are guests and servants, who serve and reside in the monastery under the obedience of the superior. These individuals may receive all the sacraments from the religious, except for baptism and marriage. Salm., ibid., paragraph 188. Clerics and religious incur very serious penalties if they induce others to promise, by oath, vow, or given faith, that they will choose to be buried in their own church. Salm., ibid., number 491. Those who die impenitent are deprived of burial, and it is publicly known that they have not confessed during the year, nor have they received communion during the Easter season; and likewise, heretics, excommunicated individuals, and those who have taken their own lives out of anger, unless they show signs of repentance, as is stated in the Roman Ritual. Public sinners of any kind, and those who die in the act of committing a crime (as stated in chapter Fures, concerning theft), without giving any sign of repentance, are considered to have died in sin, as commonly stated by the Doctors, although Lezana and Sancius may say otherwise, Salm., treatise 48, chapter 3, page 6, section 2, paragraph 199. Whoever buries such a deceased person commits a mortal sin; and whoever buries a heretic, or a supporter of heretics, or a publicly excommunicated person, or an usurer, also incurs excommunication; and such deceased individuals, if possible, should be removed from their graves. Furthermore, no one should be deprived of burial in any case without the judgment of the bishop, or the superior, if the deceased is a religious. Salm., ibid., paragraphs 202 and 204. 92. — But let us return to the matter at hand, namely, the regular canons. There are more things to note: 1. Any cleric, secular or otherwise, may choose to be buried in the church of a regular canonry. And if someone had the burial place of their ancestors in that church, and had not chosen another church, the regular canons may bury

Translated by churchlatin.ai, a product of Boyne Archives

them there. Salm., ibid., paragraph 3, section 205. 2. Parish priests who are...

[*Latin ed. p. 363*]

Regular canons demand more than would be required for burying a deceased person in a parish; if they demand this in order to dissuade the faithful from choosing a burial elsewhere, they incur a papal excommunication, according to the *bulla* of Clement VIII, as cited by Salm.; and although the *bulla* was issued for parishes in India, Lez, Peyr., and Salm. ibid. n. 206, along with others, understand that it was issued universally for all.

3. When a deceased person is to be buried in the church of the regular canons, they must summon the parish priest and attend to him; but if he refuses to come, or delays too long, they may themselves take up the body and carry it into their church. This is the common opinion of Barb., Lez., Peyrinus, and others, as cited by Salm., based on several decrees of the Holy See, Salm. ibid. nos. 208 and 209. The office over the body is not to be celebrated by the parish priest or canons, but by the regular canons themselves. Nor can the parish priest perform this act in their church, nor can he compel the heirs to offer Masses, or to give a portion to the parish, according to several decrees of the Holy See. The same is to be observed also for monasteries of exempt nuns. Salm. tr. 48, chap. 3, p. 6, § 3, nos. 212 and 243. It should be noted, however, that lay people cannot be buried in the churches of nuns without the permission of the Sacred Congregation, provided that someone does not have a right of burial there. See book 5, nos. 62 and 93.

It is asked whether the regular canons are obliged to pay the canonical portion to the Ordinary, or to the parish priest? There is a canonical portion due to the bishop, and this is that which is owed to the bishops for all donations made on account of death, and for legacies left to churches, or to pious institutions in their diocese, as stated in Clement's work, *De sepulturis*. This portion was sometimes a third, and sometimes a fourth part; and Innocent III, in the chapter *Requisitis*, of the work *De testam.*, decreed that, as regards the amount, custom should be observed. Salm. ibid. § 4, no. 216. There is also a parochial portion, which is properly called the "fourth of the funeral," and this is the portion that is due to the parish priest from funerals, legacies to the poor, and all that comes to the church in which the deceased is to be buried. And this also was different, but, as with the former, custom should be observed. Salm. ibid. no. 248.

But with regard to the regular canons, they are exempt from paying the portion due to the bishop in their monasteries, both of men and of women, according to the Extravagant *Inter cunctas*, § *Quibuscumque*, concerning privileges, and according to other privileges cited by Salm. ibid. no. 217. As for the "fourth of the funeral," according to common law, the regular canons were formerly obliged to pay it, but today, considering their

Translated by churchlatin.ai, a product of Boyne Archives

privileges, and the 25th session, canon 43, and the bull of Pius V, *Etsi mendicantium*, of the year 4567, they are obliged to pay it only in those monasteries which, for more than 40 years before the Council was confirmed, were accustomed to pay it: thus, Salm. agrees with the common opinion, and with several decrees of the Holy See, based on many pontifical privileges, and especially the *Siccti IV*, which imposed a penalty of excommunication and deprivation of benefices on parish priests who wished to demand the aforementioned "fourth." See.

[*Latin ed. p. 364*]

Salm. ibid. n. 218, ad 228. However, those monasteries are excepted which would have fulfilled the aforementioned fourth [article], either by contract initially agreed upon, or by an ancient and unchangeable custom. Salm. tr. 48, c. 3, p. 6, §. 6, n. 229, ad. 233. CHAPTER V. Concerning the privileges of religious in particular. 1. Concerning the faculty of absolving the subjects from sins and censures. Decrees of the Council of Trent. Concerning the reservation of cases; decrees of the Council of Trent. Concerning the faculties with regard to seculars. Decrees of the Council of Trent. Whether religious can absolve from sins reserved to the Bishop, either by law or by custom. Decrees of the Council of Trent. Whether from papal sins. Decrees of the Council of Trent. Whether in cases of excommunication, or under the Cruciatae [bull]. Decrees of the Council of Trent. Whether confessors among the religious can be examined anew by the Bishop. Decrees of the Council of Trent. H. Concerning dispensation in irregularities. Decrees of the Council of Trent. 3. Concerning dispensation in ecclesiastical precepts, etc. Decrees of the Council of Trent. 4. Concerning the Divine Office. Decrees of the Council of Trent. 5. Concerning dispensation regarding colors and oaths. Decrees of the Council of Trent. Concerning the validity of conjugal vows; and spontaneous vows. Decrees of the Council of Trent. 6. Concerning the privilege of religious, novices, and servants of confessing to any priest, etc. Decrees of the Council of Trent. Concerning religious who are traveling. Decrees of the Council of Trent. Whether during the Jubilee, etc. Decrees of the Council of Trent. 7. Concerning the reception into orders. Decrees of the Council of Trent. Concerning the collation of orders. Decrees of the Council of Trent. Concerning the celebration of Mass. Decrees of the Council of Trent. Concerning the administration of Holy Communion. Decrees of the Council of Trent. Concerning confession. Decrees of the Council of Trent. 95. — 1. With regard to the faculty that superiors of religious have concerning the absolution from reserved sins and censures, it is necessary to distinguish here between the power they have over their subjects and that which they have over seculars. Under the name of superiors of religious are included not only generals and provincials, and their vicars who are substituted in their place, but also all local

Translated by churchlatin.ai, a product of Boyne Archives

superiors, such as priors, guardians, rectors, and even their vicars, when the superiors are absent, at least for the entire day. Thus, generally, the Doctors write. See Salm. tr. 48, c. 4, p. 1, §. 4, n. 1, from the chapter of the Abbot, concerning privileges, in 6. All of these can absolve their subjects first from all sins and censures not reserved to the Pope, even if they had been excommunicated by a person through a special sentence, as Salm. writes with Lezana, Candido, Pelliz. etc. By the privileges of Paul IV, Sixtus IV, and Eugene IV. Salm. di. n. 2. And that which applies to those who have made their solemn vows, also applies to novices, so that they can be absolved by the superiors of the religious from sins reserved to the Bishop, which they have committed, not only after their entrance, but also before, as Salm. writes with Bonac., Pelliz. etc., and P. Mazzolta with Sanchez, Tamb. etc. Salm. tract. 15, c. 3, p. 6, n. 85, and following, and Mazzolta, vol. 3, de res. cas. c. 2, quaest. b. And Salm. and Mazzolta write the same with Peyrino, and Tambur, concerning those who are about to be received, for example, if they remain in probation in the monastery, as...

[*Latin ed. p. 365*]

They may assume the habit, and this is according to a decree of Clement VII, as related by Candido, Rodriq., and Salm. in *Tractatus de Censuris*, chapter 2, page 6, paragraph 80, in which it was granted to provincial superiors of religious orders, and their vicars, or other designated representatives, to absolve novices of the order from all reserved cases (except those cases mentioned in the Bulla Cœna) incurred before their entrance, and from the censures attached to them. Someone might object to this with the decree of Urban VIII, as cited in book 7, paragraph 95, in which it was established that, through the confirmation of privileges obtained by religious orders after Trent, the privileges themselves were not again granted to them, either by the Council, or by the Holy See, to absolve from reserved cases. Salm. responds to this objection in the aforementioned place; but, as we said, his responses do not persuade, paragraph 403. A more suitable response seems to be that the decree of Urban refers to seculars, as also stated in proposition 12, condemned by Alexander VII; but not to novices, who are commonly considered by theologians to be in a favorable state as religious. This is the opinion of Sanchez, Suar., Castrop., Lexana, and others, as well as Salm. in *Tractatus*, book 45, chapter 3, page 6, paragraph 85. Moreover, Clement VIII declared this in *Diana*, part 3, treatise 2, response 73, referring to a privilege granted to the Jesuits (which, through communication, extends to all religious orders), by which they can grant all the privileges of the Society to novices. However, Bonac., Pelliz., and Salm. in *Tractatus*, book 45, chapter 3, page 6, number 87, except the case in which a judgment had already been pronounced by the Bishop against the novice, before he entered; because then, they say, the Bishop could withdraw him and punish him. What is said about novices,

Translated by churchlatin.ai, a product of Boyne Archives

the same is said by Father Mazzotta in the aforementioned place, with Peyrino concerning the familiars of monasteries: provided that they are there as part of the family, and as regular companions, as stated in the Bulla *Superna* of Clement X, 96. Secondly, religious orders can absolve their professed members, and novices, even as mentioned above in book 6, paragraph 593, v. In the same way, they can, in secret, absolve from all papal cases, in the same manner in which Bishops can absolve their subjects, according to chapter *Liceat*. And this is according to the privilege of Pius V, as extensively related by Salm. and Father Concina, and confirmed by Benedict XIII in the Bull *Pretiosus* in the year 1727, in which it was granted to religious orders the power to absolve even from cases mentioned in the Bulla Cœna, except for relapse into heresy, falsification of apostolic letters, and the transfer of prohibited things to non-believers. And incidentally, it should be noted that in the aforementioned bull, the general power to grant dispensations from irregularity due to homicide committed by subordinates was also granted to the Dominicans, provided that it was not committed with premeditation, and occurred within the confines of the monastery. But this was revoked by Clement XII. See what is said in book 7, paragraphs 104, 97. Thirdly, religious orders can absolve their subordinates from excommunication for striking, even a serious, enormous, and public one, inflicted not only on religious of the same order, but also on others.

[*Latin ed. p. 366*]

This applies to secular clergy as well. The monasteries of Roncoglione, Salmas, and Crotta enjoy privileges granted by Boniface IV and Clement VIII. It should be noted that if the offense is minor or concealed, the religious who committed the offense (if he wishes) can request absolution even from a Bishop, but only with the permission of his superior. Book 7, paragraph 107. It is stated that secular clergy are under the jurisdiction of religious orders, because this case is limited to religious orders within Italy, and outside of Rome, by Clement, as will be explained in number 99 and 98. Furthermore, it should be noted that superiors of religious orders, by concession of Clement VIII, can, if they deem it expedient, reserve certain cases, but no more than ten, without the consent of the general chapter, or at least the provincial chapter for the province. If the superior denies permission, and whether, for the first time, the faithful can be absolved from reserved cases. See Book 6, paragraph 586. 99. Regarding the term "secular clergy," it was formerly the case that Mendicant orders enjoyed the privilege of absolving secular clergy from all cases and censures reserved by the Pope, as well as by Bishops. But then, by decree of Clement VIII in 1602, confirmed by Paul V in 1647 and Urban VIII in 1627, this power was limited, and it was established that religious orders existing outside of Rome, and within Italy, could not absolve secular clergy from cases reserved by the Bull of Celibacy, nor from any of the six following cases: 1.

Translated by churchlatin.ai, a product of Boyne Archives

Offenses committed by a cleric. 2. Duels. 3. Violations of immunity. 4. Violations of the enclosure of monasteries of nuns, for an improper purpose. 5. Secret simony in benefices; and also from all cases reserved by Bishops. Therefore, both from the decree of Clement VIII, and also from the Bull of Gregory XII, Omnia Sacra, and especially from proposition 18, condemned by Alexander VII, which states: "Mendicant orders can absolve from cases reserved by Bishops, not with the authority of the Bishops themselves," it is now beyond doubt (whatever some may say) that secular clergy cannot be absolved from cases reserved by Bishops. See Book 6, paragraph 599. It is certain, and Book 7, paragraph 95. Thus, they cannot absolve secular clergy from the six cases of Clement, even if they are concealed, contrary to P. Viva: for the power that religious orders have by the Bull of St. Pius V, mentioned in number 96, by which they can absolve concealed cases, is only with respect to their own religious, and not with respect to secular clergy. However, we believe, along with Viva, Comitolo, and others, including P. Coneenti, that religious orders can absolve from cases that a Bishop has reserved for himself in a synod, but has not expressly listed in a table; because then it is presumed that he intended to grant the power to absolve all confessors, provided that they are approved by himself. See Book 7, paragraph 400. It is doubtful 1. Whether religious can absolve secular clergy from cases not reserved for themselves by Bishops, but which are in a table, or by consent.

[*Latin ed. p. 367*]

It is reserved to the Bishops to absolve from certain sins, as are abortions and others noted in n. 46? Some, such as Viva, Bord Cabass, Milante, and others, deny this, arguing that, according to the decrees of Paul V and Urban VIII, it is forbidden for religious to absolve laypersons from sins reserved to the Bishops. However, the words of Urban refer to sins reserved to the Ordinaries. Nevertheless, it is more probable that Cone, La Croix, Sporer, Salm, Lezana, Sanch, and many others, including (after retracting) Father Viva in his Moral Theology, affirm this. The reason is that the cited words of the decree of Urban (and likewise of the decree of Paul V) must be understood concerning those sins which the Bishops reserve to themselves. For, as we have said in n. preceding, such decrees are confirmatory of the decree of Clement VIII, in which mention is made only of those sins which are reserved to the Bishops, and not of those sins which are reserved, or are to be reserved, by the Ordinaries. Moreover, as Father Suarez says, sins reserved to the Bishops should rather be called delegated to the Bishops, than reserved. However, it must be noted that this does not apply to the absolution of clerics, nor to all other sins which the Ordinary might reserve to himself. Indeed, with regard to these, all the rules have been removed, as stated in n. preceding. See book 7, n. 99, 401.

2. It is doubted whether religious can absolve seculars from papal sins?

Translated by churchlatin.ai, a product of Boyne Archives

Some, that is, Viva with Bordono and Florino, deny this, based on the same decrees of Paul V and Urban VIII, which also forbade religious from absolving from sins reserved to the Apostolic See. However, it is commonly and more probably affirmed by Bonac, Arersa, Salm, Pelliz, Rodriq, Potesta, Peyrinus, and even Viva himself in his Moral Theology (although he affirms this only with regard to hidden papal sins), based on the privilege granted by Paul III in the year 1545 to the Jesuits, in which it was stated that they could absolve seculars from all sins, even those reserved to the Apostolic See, except those contained in the Bulla Cænæ. And these aforementioned decrees of Paul V and Urban VIII do not stand in the way, because (as stated in n. preceding), they are understood to refer to the sins of Clement VIII (which the aforementioned Pontiffs intended to confirm), in which only the sins contained in the Bulla Cænæ and six others were excepted. It must be noted that this power is valid only with regard to the internal forum, n. 96 and 97. Furthermore, it should be observed what was said in n. 34 concerning abbots who have almost episcopal jurisdiction.

402. It should be noted that formerly, confessors of religious orders, by concession of Gregory XIII and Eugene IV, could receive confessions, not only of those of the diocese where they were approved, but of all others. By the Bulla Cruciatæ, when they were approved in one place, they were approved for all. Thus, in Salm, tr. 48, d. 4, p. 2, § 4, n. 71 and 72. However, Innocent X subsequently decreed that religious could not receive confessions anywhere without the license of the local Ordinary, even if they had the privilege of Cruciatæ, as he declared.

[*Latin ed. p. 368*]

Innocentius XII, in the bull *Cum sicut*, in the year 1700. See book 6, paragraph 548, and paragraph 549. 403. — It must also be noted that, formerly, according to *Clem. Dudum*, concerning burials, regular clergy, once absolutely approved, could not be obligated by the Ordinary to undergo a new examination. However, St. Pius V, in the *Extravagantes Romani Pontificis*, stated that a succeeding Bishop, for the greater peace of his conscience, could again examine them. But afterwards, Gregory XIII, in his bull *In tanta negotiorum*, etc. (cited by Navarro at the end of his manual), in order to resolve disputes arising concerning regular clergy, revoked all the declarations of St. Pius V, and especially that concerning the approval of confessors among the regular clergy; I say, he revoked them to the previous state established by the Council of Trent, which session 23, chapter 45, decreed nothing else concerning regular clergy except that they should be approved by the Ordinary. From this, many Doctors, such as Aravius, Dicastillus, Villalobos, Delbene, etc., argue, as found in Salm, ibid., section 5, paragraph 449, that a succeeding Bishop cannot again examine regular clergy who have already been examined by a Bishop. However, Diana, page 3, treatise 2, response 27, and Lez, Boss, Bordonus, and many

Translated by churchlatin.ai, a product of Boyne Archives

others, maintain the contrary, citing a decree of the Holy See (cited by Lez and Diana), in which it was declared that, notwithstanding the bull of Gregory XIII, a succeeding Bishop could examine those who had been approved by his predecessor, and Diana and Salm themselves testify that this is the current practice of Bishops. However, Salm, page 48, chapter 4, page 2, section 5, paragraph 420, argues, along with Villalobos, that both from the constitution of St. Pius V and from the declaration of the Holy See, a succeeding Ordinary can again call a regular cleric, or some regular clergy, whom he knows to be unsuitable, for examination, but he cannot, by a general edict, suspend all regular confessors until they have been examined again. Furthermore, it must be noted that when an Ordinary generally revokes all licenses, this does not include regular clergy, unless they are explicitly mentioned, as Salm states, ibid., paragraph 448, at the end, with a reservation. It must also be noted that a capitular vicar cannot call regular clergy for examination when the See is vacant, due to a privilege granted by Clement IV. See Salm, ibid., paragraph 446, and Diana, page 3, treatise 2, response 27. It must also be noted that the above applies to approvals granted absolutely, but not to those granted for a time, for example, for six months, as is often the case; for it is certain from the bull *Apostolici ministerii* of Innocent XIII, confirmed by Benedict XIII, that both secular and regular confessors are not permitted to hear confessions outside of the place, persons, and time prescribed, by whatever privilege. 404. — II. Concerning the faculty of regular clergy to grant dispensations in irregularities. Regular clergy, according to the privilege of St. Pius V, cited in paragraph 97, confirmed by Julius II, have the power to grant dispensations to their subjects in all hidden irregularities, in which Ordinaries can grant dispensations to those under their jurisdiction.

[*Latin ed. p. 369*]

Furthermore, as stated in number 29, they can grant dispensations, and this applies to laypersons as well, as Suarez, Sanchez, Pelliz, Sayrus, Salm, Sporer, Lezana, and others assert, based on concessions from Sixtus IV and Julius II. See book 7, pages 355 and 405. Moreover, they can grant dispensations to their subjects in any irregularity, either due to a fault or a defect, by virtue of the privilege of Martin V. See book 7, number 355. Therefore, to be more specific, superiors can grant dispensations to their subjects in the following cases:

1. In irregularities due to homicide, not only concealed, as granted in the privilege of Martin V., but also voluntary and notorious, as stated in number 96, by the privilege of Benedict XIII, provided that the act was not committed with due deliberation and was consummated within the cloister.

2. Regarding defects of the soul, they can grant dispensations to a religious to receive the priesthood, even if the individual has suffered from

Translated by churchlatin.ai, a product of Boyne Archives

permanent dementia, if, according to the judgment of physicians, the danger has ceased. See book 7, number 400, at the end.

3. Regarding defects of the body, such as the loss of a foot or an eye, even if it is the left side, they can grant dispensations, as demonstrated by Salm, treatise 10, on censures, chapter 9, page 6, number 75, with Bordon, based on the privilege of Sixtus IV. And in cases of doubt, they can also declare that the defect does not impede entrance, as ordinaries can do with their subjects. See book 7, number 414, at the end.

4. Regarding defects related to birth, this irregularity ceases by itself upon entering the religious life, with regard to what pertains to the acceptance into the order, as stated in chapter 4 of the decrees concerning presbyters, for concerning dignities, a dispensation is necessary. However, all superiors, general, provincial, and even priors, can grant dispensations to their subjects through various privileges. See book 7, numbers 354 and 426. Also see Salm, ibid., page 4, number 57, and treatise 18, chapter 4, page 4, section 4, number 28, with Bordon, Peyr, Liguori, Pelliz, and others. However, as Sotus states, it is more commonly denied that profession eliminates any irregularity. See Salm, treatise 10, chapter 7, page 4, number 58.

5. They can grant dispensations even in cases of true bigamy, by virtue of the privilege of Martin V; so say Castrop, Pelliz, Machado, and Salm, among others. See book 7, numbers 355 and 452.

6. In cases of public irregularity due to a lack of gentleness. See book 7, number 468.

7. Finally, they can grant dispensations to their subjects in all incapacities and penalties incurred as a result of a fault, such as deprivation of office, benefits, the right to speak, or a specific location, even if these are reserved to the Pope, as Suarez, Sanchez, Pelliz, and Salm, among others, state, with privileges from Sixtus IV, St. Pius V, and Gregory XIV. See Salm, treatise 18, chapter 4, page 4, section 4, number 29, at the end, and number 406.

III. Regular superiors have the power to grant dispensations to their subjects in ecclesiastical matters, just as bishops have with their diocesans. Indeed, they possess a quasi-episcopal jurisdiction, as commonly taught by the Doctors, from Clement of Rome, on elections, Salm, treatise 18, chapter 4, page 4, section 5, number 31, with Bordon, Pusq, and others. And therefore, they can probably grant dispensations in all matters that are specifically reserved to the Pope. And especially in cases of doubt, as to whether a matter requires a dispensation.

[*Latin ed. p. 370*]

Mus. Salm. ibid. n. 33. They can also dispense with [certain observances] for a reason (as is always presumed in pontifical laws), when such dispensations are granted for a particular province or monastery, because then such a faculty is presumed to have been given; or when such a custom

Translated by churchlatin.ai, a product of Boyne Archives

exists, or when it is not easy to appeal to a superior; or when it concerns matters of little importance, which do not obligate to mortal sin, or which happen frequently, such as fasts, abstinence from meat, observance of feasts, and the recitation of the Divine Office; provided that the dispensation is not granted for a long time, as Salm. says with Cajetan, Soto, etc. And the same holds true regarding the rules of religious orders. Salm. ibid. n. 34 et 35. Thus, Azor, Castrop, Salm. Trull. Machado, etc., also say that superiors can dispense with [certain observances] for working on feast days, both for religious and for domestic servants, but not for outsiders, who otherwise could work for the monastery, if the monastery is poor, as Sylv. Fagund. and Salm. say with Pasq. Leandro, and others. Salm. ibid. n. 37. 407. — IV. Regarding the Divine Office, note these privileges which the religious have. 1. Leo X. granted to religious that they could recite the Hours entirely privately and mentally (but P. Ferraris, Bibliotheca, v. Offic., n. 401, citing Sporer, says that this privilege is adulterous), furthermore, that they could anticipate longer offices, and reserve shorter ones for days of greater occupation. 2. Clement VII. granted to all infirm religious (meaning those infirm who are not excused from their office by reason of their infirmity) and to infirmarians that they could fulfill their office by reciting 6 or 7 Psalms (assigned by the superior), 7 Our Fathers, and two Creeds. And Martin V. granted to convalescent religious that they could fulfill their office by reciting that portion of the office which their confessor judges suitable. 3. Innocent IV. granted to the nuns of St. Clare (and this is understood to apply to all other religious who receive Communion) that they could fulfill their office as laywomen for any reasonable cause, e.g., if a religious is not well instructed, according to the judgment of the abbess or confessor, in the office of the choir; or if she is scrupulous, or is tired from labor, or is occupied with useful tasks, such as being available to hear confessions, to preach, or to study ecclesiastical matters for a large part of the day. Indeed, it is presumed that religious also enjoy these privileges granted to nuns, as was said in n. 40. Furthermore, Salm. observes that they can use this privilege even without the permission of their superiors, because it was granted without that condition. Furthermore, it is observed that if religious omit the office of laywomen, using such a privilege, they would not sin mortally, because then they are considered as laywomen, who are not obligated by mortal sin to recite their office. But this does not please me, because this privilege of a religious does not pass into the quality of a laywoman, but only the office of a choir member passes, and is changed into that of a laywoman. 408. — V. Confessors of Mendicant Orders, and other religious...

[*Latin ed. p. 371*]

Confessors possess the power to annul, remit, and dispense with oaths and vows. Furthermore, they can dispense with spouses concerning imped-

Translated by churchlatin.ai, a product of Boyne Archives

iments to marriage, due to incest committed with a relative of the spouse, as commonly stated by Sanchez, Pontius, Salm, and others against P. Concini, based on numerous privileges of various Popes. See book 6, paragraph 1076, and following. It must be noted here that the confessor must obtain special permission for this, at least from his superior within his monastery. Ibid., see "Whether..." 109. – Moreover, confessors of religious orders can dispense with spouses regarding vows of chastity taken before marriage, in order to obtain absolution, as also commonly stated by Castr, Pontius, Sanchez, Tournhem, Wigandt, Salm, etc., based on the privilege of St. Pius V. And also regarding vows taken after marriage, as rightly considered by Sanchez, Salmantic, etc. (against Pontius), based on other privileges, from which they themselves can dispense in all vows, in which they are legally empowered to dispense, just as bishops can with their subjects. See book 6, paragraph 987, and following, and paragraph 1123. What is more ambiguous is whether, in cases of necessity, they can dispense with betrothed couples, as bishops can in vows of chastity for the purpose of contracting marriage? Most affirm, as do Anacletus, Vidal, Bassæus, Henriquez, etc., and the Salmanticenses and Elbel likely judge this opinion to be probable. But Layman, Barbosa, Sanchez, and Pontius commonly deny this, saying that religious can only dispense in vows in which bishops are legally empowered to dispense, but not in extraordinary cases, such as this one. However, the opponents reply that, in cases of necessity, bishops also dispense legally, since such power is attached to their office and dignity, as stated in paragraphs 34 and 44. Therefore, we cannot consider the first opinion to be improbable. See book 6, paragraph 1128, at the end, page 410. – VI. To secular individuals, the faculty of choosing a confessor is granted, either by the Supreme Pontiff or by their Ordinary; it is always understood that the confessor is approved by the bishop; but religious can confess to any simple priest, with the express or tacit permission of their superior, as commonly held by Suarez, Lugo, Salm, treatise 48, chapter 4, page 2, paragraph 2, number 49. Therefore, all superiors of religious orders can choose any priest as their confessor, as also commonly stated by the Doctors, from the last chapter on penance, and the remarks. The same applies to servants of the monastery, as is stated in the Council of Trent, session 25, chapter 44, from which they can receive the sacraments of Penance, Eucharist, and Extreme Unction from religious. And the same applies to those who come to the monastery as novices, under the guise of being religious, as all acknowledge, and as declared by the Sacred Congregation on August 14, 4665. Therefore, they can be absolved from all sins reserved to the bishop. Salm, treatise 15, part 3, page 6, number 85.

[*Latin ed. p. 372*]

Following what has been said in number 95. But this does not apply to the brethren of St. James, and similar orders, as the theologians of Sala-

Translated by churchlatin.ai, a product of Boyne Archives

manca commonly state, because such a custom prevails. Salm. tr. 18, chapter 4, page 2, section 2, number 58, 414.

Furthermore, it should be noted that religious men who are traveling, if they have a companion (provided he is suitable) of the same order, must confess to him. But if there is no companion, or another priest of the same order, then they can confess to any suitable regular or secular priest; this is common among all.

However, the question arises: must such a priest be approved in that place? Some, such as Wigandt, Concina, etc., wish it so. But most commonly, and rightly, Syarz, Rone, Castrop, Salm. Elbel, and others deny it. And because the custom of religious orders is such that it implies the consent of the Ordinaries; and because Innocent VII absolutely granted to traveling religious men that, if they could not have a confessor of their own order, they could choose any other suitable religious or secular priest. See book 6, number 575, 412.

Furthermore, Lugo, d. 20, number 86, and Salamanca, ibid., section 6, number 424, along with Navarro, Solo, Castrop, Peyrino, Bossio, etc., state that during the time of a general Jubilee, regular canons, and even nuns, can confess to religious men of another order without the permission of their superiors, even if they had a confessor assigned to their own order, due to several privileges mentioned by Lugo, Mendo, etc. See book 6, number 788, note 8, 443.

VII. Regular canons, with regard to orders, do not receive letters of dispensation from bishops, but from their superiors. Otherwise, they sin gravely and incur suspension. However, with regard to receiving orders, first, St. Pius V granted them the privilege of receiving orders from any bishop; but this was revoked by Gregory XV. This revocation was confirmed by several other Popes, and recently by Benedict XIV in the Bull Impositi, etc., in the year 1477, in which it is also prescribed that, if the local Ordinary holds the ordination, the religious man must be examined and ordained by him; but if the bishop is absent, or does not have the power to ordain, he can be ordained by another bishop; but then a genuine attestation from the vicar general, or secretary, or chancellor of the bishop is required, proving either that he is absent from the diocese, or that he will not be able to perform the ordination in the near future, according to the laws of the Church. And the same Pope expressly states this, so that it may be known that it is not sufficient to say that the bishop will not be performing the ordination if it is outside the proper time; otherwise, they incur the same penalties as those who are ordained without letters of dispensation. Furthermore, it is forbidden to a religious man to remain in another place, so that he may excuse himself from the examination of the bishop of the place where he previously resided. Religious men who reside in dioceses where there is no bishop must be ordained by the

Translated by churchlatin.ai, a product of Boyne Archives

nearest bishop. See book 6, number 768, and number 788, note 9.

[*Latin ed. p. 373*]

114. Here, the question arises: From whom should novices be received? Suarez and Henriquez state that it should be from the Ordinary, either of the place of origin or of the domicile. However, Sanchez, Castrop, Delbene, and Fagnanus, along with others, believe that they can be received by the Ordinary of the place where the novitiate is located. La Croix and Father Mazzotta rightly state that both opinions are probable, provided that (in the case of the latter) the novice intends, as far as is within his power, to remain permanently in that monastery, and that he gives an oath regarding this matter, as is prescribed in the bull *Speculatores*. Ibid., n. 765.

115. The question arises: Can religious be received outside of the permitted times? Vasquez, Lezana, etc., deny this. They argue that, although Gregory XIII granted this to the Jesuits, he nevertheless forbade its public announcement. However, it can no longer be doubted, based on the many privileges granted to other religious orders, as well as on the recent declaration made by Benedict XIII in the Roman Council (title 5, chapter 2), in which it was established that such privileges remain in full force, and that there is no evidence that they have been revoked. Ibid., n. 797, see Dub. 3.

116. The question arises: When regular canons are received outside of the permitted times, can they be received on any day in which the double office is celebrated, even if it is not a feast of precept? Fagundez, Villalob, Diana, etc., affirm this, and Suarez and others consider it probable, because Alexander VI, when dealing with such a privilege, stated that it was possible to receive on Sundays or on double feasts, but he did not mention feasts of precept. I do not dare to reject this opinion, but I consider the opposite opinion, held by Lug. Morin and Escobar, to be more probable, because Gregory XIII, when dealing with the same privilege, declared, "on Sundays and on feast days," and did not say "on double feast days." A feast day is properly understood to be that in which work is forbidden; hence, it is understood to be a feast of precept. Indeed, the practice is that, for those who are received with a dispensation, the same rule applies for three feast days. See book 6, n. 797, see Dub. 4.

117. Regarding the power of conferring orders, formerly, Abbots of regular canons, by concession granted to them in the Seventh Synod (as is found in canon *Quoniam*, dist. 169), were able to administer the tonsure and the minor orders, not only to their own religious subjects, but to all others. However, by the Council of Trent, session 23, chapter 10, this power was limited to the regular canons who were their subjects. Nevertheless, despite this, many Doctors have maintained that Abbots, at least those who are mitred (as Salm. believes, and cites several Sacred Congregation decrees), can also ordain their secular subjects, and even others, provided they have letters of dispensation from their Ordinaries. However, all of these opin-

Translated by churchlatin.ai, a product of Boyne Archives

ions no longer hold today after the decree of the Sacred Congregation, approved by Urban VIII on January 17, 1642, in which any contrary opinion was rejected, and it was forbidden to Abbots to confer orders, or to...

[*Latin ed. p. 374*]

Certain dispensations were granted to others, not solely to those subject to religious rules; and those who acted contrary to this were subjected to suspension. However, many are excepted, as those described in the Roman Registry, who have the privilege of granting dispensations, such as the Abbot of the mountain of Cassino, the Abbot of Cavense, etc. See book 6, number 763, 448.

Here, the following questions arise: 1. Whether Abbots who possess almost episcopal jurisdiction in a certain territory can ordain their secular subjects? Molfesius, in La Croix, book 6, page 2, number 2236, cites a positive declaration from the Holy See. However, Benedict XIV, in *De Synod.*, book 2, chapter 14, number 44, cites a contrary declaration, and also cites the decision of Father Zacharia, in La Croix, at the aforementioned location.

2. Whether Abbots, who can ordain professed subjects, can also ordain novices? Castrop, Barb, Sayrus, etc., deny this. However, Suar, Laym, Sanch, Escobar, and Salm, along with others, affirm it, because, as we have said, novices also come under the name of "regulars" in favorable circumstances. See book 6, number 764.

3. Whether orders conferred by such Abbots, whether secular or regular, who are not subject to another, are valid? Suar and La Croix, etc., deny this. But it must be affirmed, along with Sanch, Salm, Tamb, Pelliz, etc., because these Abbots once possessed the faculty (as we have said); and subsequently, the Council and the decree of Urban forbade only the exercise of that faculty; hence, they ordain validly, although illicitly. And this is evident from the same decree of Urban, in which those who were ordained were subjected to suspension. Therefore, the orders conferred upon them are considered valid. And this has been decided repeatedly by the Holy See, as Benedict XIV states in *De Synodo*, book 2, chapter 44, number 43.

VIII. Regarding the celebration of Mass and the administration of the Eucharist, formerly, by virtue of privileges from Sixtus IV, Alexander VI, and Urban VIII, they were able to celebrate in a portable altar, both in their own homes and in their rural homes, commonly called "Granois," even against the will of the Bishop. Salm, treatise 15, part 7, page 4, number 97. But Clement XI, in the year 4703, in his decree, declared that all their privileges regarding the celebration in a portable altar were revoked by the Council of Trent. Furthermore, Benedict XIV, in the bull *Magno*, § 29, declared the same. I cannot agree with Father Mazzotta, who says that such prohibitions are to be understood only with regard to private homes, but not with regard to the homes of religious; for in the decree of Clement, it is a matter of the privilege of celebrating in the places where they reside; and the places

Translated by churchlatin.ai, a product of Boyne Archives

where they reside are their own homes, not those of others. Furthermore, Innocent XIII, in the year 4723, in the bull *Apostolici ministerii*, which, although originally issued only for the reform of the Spanish clergy, was confirmed in the year 4724 by Benedict XIII in the bull *In supremo* for the entire world, forbade the erection of an altar in private cells or chambers of regulars, unless...

[*Latin ed. p. 375*]

Whatever is contrary to custom. See book 6, paragraph 360. Furthermore, it is known that Gregory XIII granted the Provincials of the Society of Jesus the faculty of appointing public orators in their churches, in which all may celebrate, etc., as stated by Merati, page 1, title 20, letter F, paragraph 122. By the privilege of Gregory XIII, religious can celebrate one hour before dawn; therefore, they can celebrate Mass three hours before sunrise; so say Lugo, Suarez, Rodriguez, and Salm, book 15, chapter 7, page 4, paragraph 94. Indeed, if there is a just cause, they can celebrate immediately after two hours past midnight, by privileges of Alexander VI and Clement VIII. And Lugo, Rodriguez, Diana, Narbona, and Salm, along with others, state that these privileges were not revoked by the Council of Trent, session 22, concerning things to be avoided, etc. However, the aforementioned Doctors point out that this applies only to their own churches; in which, however, they add, secular priests can also make use of this privilege. See Lugo, *De Euch.*, book 20, paragraph 27, and Salm, *loc. cit.*, paragraph 94, at the end. Moreover, Eugene IV granted religious permission to celebrate three hours after midday, but only for a just reason; however, Azorius, Fagundez, and others say that this privilege was revoked by St. Pius in the bull *Amantissimus*, in the year 1566, of which Lezana provides a declaration from the Sacred Congregation. But, despite these objections, Lugo and Salm, along with Aversa, Dicastillo, Narbona, Diana, etc., state that it is not authentically established that St. Pius revoked it, since he spoke only of Masses celebrated in the evening, perhaps even around sunset; therefore, they say that the privilege of Eugene IV remains in force, and that to make use of it, any reasonable cause suffices, such as for recovery, study, and the like.

123. Regarding the administration of the Eucharist, Paul III and other Popes granted religious the faculty of administering the Eucharist to all the faithful in their churches. However, the following exceptions apply: 1. If the Bishop reasonably prohibits someone from receiving the Eucharist. 2. Communion at the hour of death, or in danger, provided there is no extreme or grave necessity, and the parish priest is unable or unwilling to administer; Lugo, Roncaglia, etc. See book 6, paragraphs 239 and 240. 3. Paschal Communion; that is, the Communion by which one fulfills the precept, as commonly stated by Filiucius, Sa, Busembaum, etc.

124. Regarding the faculty of preaching, formerly, religious, according

Translated by churchlatin.ai, a product of Boyne Archives

to Clementine, *Dudum, de sepult.*, could freely preach in their churches and in public squares; but the Council of Trent, session 5, canon 2, decreed that they could not preach in other churches without the permission of the Ordinary, and in the churches of their own Order, before asking for a blessing from the Bishop. Therefore, for religious to preach in their churches, it suffices that they ask for a blessing, and if it is denied, as say Lezana, Pelliz, Bordonus, Salm, book 18, chapter 4, page 4, paragraph 178, along with others, citing a decree of the Sacred Congregation. However, as the Salamanca theologians say, this blessing is not required.

[*Latin ed. p. 376*]

It is fitting that they preach in the streets, for the Council speaks only of churches. However, religious are always to have the approval of their superiors, who would sin if they permitted those who have not been previously examined to preach. Salm. ibid. n. 476 and 477. Superiors can also entrust this task to simple, tonsured clerics, according to the privilege of Gregory III. Although the Sacred Congregation generally declared that preaching can be entrusted to anyone who has been tonsured, Salm. ibid. n. 474, 426.

However, as stated, religious cannot preach in foreign churches without the permission of the Ordinary, unless it is for two or three occasions, as Navarrus, Barbosa, Diana, the Salmanticenses, and others say; or if the Ordinary is not present, and a religious happens to be passing by; because in that case, the parish priest can grant permission to preach, as Gregory XIII did. Salm. ibid. n. 184. When the Ordinary grants permission, the religious is validly able to preach in the parishes, even if the parish priest objects, because the Ordinary is superior to the parish priest; and because this was expressly granted by Alexander IV. Salm. tr. 48, c. 4, p. 4, n. 179, 426.

Question 4: Is it permissible for religious to preach against the will of the Bishop? If the churches are foreign, and the Bishop initially denies permission, it is undoubtedly not permissible. But if the Bishop has already granted permission, and now wishes to revoke it, or if the churches are their own, Peyrinus, Vega, Pellizzarius, and Salm. with Diana, etc. say that they can preach. However, this is opposed by the decree of the Council of Trent, session 24, c. 4: "No secular or regular [religious] should presume to preach against the will of the Bishop." Furthermore, the bull of Gregory XV, *Inscrutabili*, states that the Bishop, as a delegate of the Apostolic See, can punish religious who, without having requested the blessing of their superiors, or even against their will, have presumed to preach in foreign churches. However, the Salmanticenses respond that both the aforementioned bull and the Council are to be understood according to what is stated in the Clementine Code, cited above, which prohibits preaching when the Bishop is preaching, or when it is done solemnly in his presence. And so, they report that this was decided by the Sacred Congregation of Bishops and Regulars on January 30, 4629, apud Barbosa, in Trent, session 5, c. 2, n.

Translated by churchlatin.ai, a product of Boyne Archives

49. However, when I examined Barbosa in the cited passage, I found that the declaration of the Sacred Congregation was only regarding sermons in churches that are the property of the religious; therefore, with regard to foreign churches, the aforementioned response does not seem probable to me. 427.

Question 2: Can the Bishop examine religious who are requesting permission to preach in churches that are not their own? The Sacred Congregation, apud Barbosa, l. c., n. 20, on January 12, 1628, decided affirmatively; but Salm. l. c., n. 486, with Pellizzarius, Bordono, Diana, Peyr., etc., object, citing the bull of Leo X, *Superna*, in which it was decreed that no one...

[*Latin ed. p. 377*]

In order that a religious might be admitted to preach, he must first be examined by his superiors, and then it must be declared there that the religious must show the approval of his superior. Salm, with Pellizzario and Granado, then responded that the aforementioned declaration contrary to the Holy See seemed to them to be no more than probable; therefore, it should not be preferred to the Bull of Leo. But, I say, at least it is probable from that declaration that the Bishop has the power to examine, and otherwise he can deny permission. On the contrary, the Bull of Leo prohibits Bishops from admitting a religious who does not present the approval of his superior, but it does not forbid him from examining him, if he wishes, and from denying permission, if he himself refuses to be examined.

128. It must also be noted that, according to the Lateran Council V, the Ordinary can suspend and punish regular preachers in three cases, in which, indeed, they themselves are suspended from preaching by that very act: 1. If they preach marvelous, false, or uncertain things. 2. If they preach prophecies not founded on Holy Scripture, or not approved by the Apostolic See. 3. If, by preaching, they detract from Bishops and their superiors. Furthermore, according to Trident, Session 5, chapter 2, the Bishop can suspend and punish those religious who preach heretical, erroneous, or scandalous propositions. Salm, *Tractatus*, 48, chapter 4, page 4, note 188. Finally, it should be noted that Urban VIII, in the Constitution *Alias felicis rec.*, dated April 11, 1635 (fully related in P. Ferrar, *Bibliotheca*, volume 3, under the word "Oracula," page 354, note 9), revoked all privileges granted by his predecessors to regular preachers concerning the living voice oracle, except for those which have been testified to by ministers to whom, by virtue of their office, faith is usually given.

[*Latin ed. p. 378*]

APPENDIX. DISSERTATION ON THE JUST PROHIBITION AND ABOLITION OF BOOKS HARMFUL TO READING. This treatise contains more than can be expressed briefly, matters which have been extensively treated

Translated by churchlatin.ai, a product of Boyne Archives

by the Authors.

Recently, two letters, written with a pen, have been circulated, in which the most salutary and necessary discipline of the Church concerning the prohibition of books is unjustly attacked, and it is rashly asserted that, even if the Church's law is not observed, it is permissible to read any books whatsoever, provided that the danger of subversion is not evidently apparent. The Authors of these letters rely on two false arguments: first, that the law of prohibiting books was introduced into the Church not long ago, but is not supported by ancient discipline. Second, that the Church does not proceed canonically in this matter, nor does it observe the proper order of law, and therefore such a law cannot be binding. I am astonished that these new opinions are so boldly presented by the Authors of the letters, when it is abundantly clear that the discipline by which the Church prohibits the reading of wicked books has always been, from the earliest centuries, consistently observed; and that the Catholic Church has always proceeded with careful examination and proper order in the suppression of such books, and continues to do so now.

Therefore, I have undertaken to thoroughly examine this matter and to bring it back to truth, especially since it is evident from these aforementioned erroneous opinions that the authority of the Church is greatly weakened, and the minds of the faithful are greatly drawn away from the due obedience to the Church's definitions; from which, in turn, they easily fall into other errors against faith and morals, with immense loss of souls. And therefore, I have considered it worthwhile to publish this Dissertation publicly, in which I will first show the necessity of prohibiting all books that can introduce errors into the reader; then I will demonstrate that this law of the Church prohibiting books has always been maintained in continuous use from its very beginnings; thirdly, we will demonstrate how prudently and orderly the Church has always proceeded, and continues to proceed, in such prohibitions. Finally, we will refute certain empty objections of heretics, from which some Catholics, less cautiously, have borrowed certain statements, which have then been imprudently disseminated among the people, to the great detriment of the faithful.

[*Latin ed. p. 379*]

CHAPTER I. The utility and necessity of prohibiting books of harmful reading are demonstrated.

I. It is the special command of the Lord, both in the Old Testament (Deuteronomy, chapter 46) and in the New Testament (Romans, 19; and 1 Timothy, chapter end), to avoid heretics in every way and with all diligence. In particular, Saint John wrote: "If anyone comes to you and does not bring this teaching, do not receive him into your house, nor greet him." (1 John, 1:10). Wisely, Saint Paul said: "Their words will greatly contribute to wickedness, and their speech is like a cancer that

Translated by churchlatin.ai, a product of Boyne Archives

spreads." (2 Timothy, 10). For this reason, John strongly warned against Ebion, and was even horrified by the methods used by Cerinthius. See Baronius, Annals, AD 44, notes 8 and 9. In the same way, Polycarp acted against Marcion. (Eusebius, History, book 4, chapter 43). Eusebius of Vercelli preferred to suffer from hunger rather than to accept bread from the hands of the Arians. (Baronius, Annals, AD 356, note 96). Cyprian, speaking of certain excommunicated individuals, thus warned his flock: "Do not readily concede to their deceptive words, lest you take darkness for light, poison for medicine, and death for salvation... Depart far from the contagion of such people, and avoid their words as you would avoid cancer and the plague." (Saint Cyprian). Furthermore, it has always been maintained in the Church that the faithful should abstain from all dealings with heretics and excommunicated individuals, as testified by Saint Ephrem in "De Virtute," chapter 8; Alexander of Alexandria, in his letter to Alexander, the Bishop; Saint Athanasius, in the "Life of Saint Anthony the Abbot"; Saint Leo, in Sermon 5 "De Jayun"; and so testify all the councils, popes, and fathers.

II. If it has always been commanded by the Church to avoid a wicked conversationalist, how much more should one take care to avoid a harmful book, which can corrupt readers far more than speech? If a word, which quickly vanishes, spreads like a cancer and wounds to death, what evil will not be brought about by an impious book, which can be a constant source of corruption? A wicked book can penetrate any home, to which the author might never have had access. If religion and public peace cannot exist if perverse individuals are allowed to spread false doctrines or to introduce harmful opinions contrary to established moral rules, as is said in the first canon of the Council of Trent, concerning the office of the President, how much less can salvation exist if such scoundrels are allowed to spread the same things more widely through writings, and to confirm their deceptive arguments, which are far more harmful when read than when heard. For whatever we read, it occupies the mind more strongly and more easily passes into it. Just as sacred reading fosters virtues, so, conversely, harmful reading leads to vices, and it does so more strongly, especially when people are more inclined to vices than to virtues. Saint Basil rightly called books "the oil of the soul"; for...

[*Latin ed. p. 380*]

Just as food, when pleasingly received, becomes the very blood of a man; so too, a book, when read, is pleasingly read (for who reads unwillingly?), and thus it easily becomes the property of the reader. Furthermore, he who approaches the Author to read, offers himself as a disciple, and offers his heart, docile and benevolent; and therefore, he can easily be deceived by him; for it is very difficult for a reader not to be affected by some love for the Author: from which it easily follows that impiety and hidden error are

Translated by churchlatin.ai, a product of Boyne Archives

insidiously absorbed, and afterwards tenaciously retained.

III. Add to this that impious writers, with great care, adorn and color their errors, so that not only the simple, but also the learned, are deceived. For they never (at least at the beginning) openly reveal themselves, but clothe and line them with various specious reasons, erudition, and pleasantries, thus injecting a deadly poison. Sometimes they feign holiness and zeal, pretend to be concerned about the public good, and present rules of perfection, but the serpent lies hidden in the grass. You will see them bring forth countless passages from Scripture and the Fathers, and examples, but all are either adulterated or misinterpreted. Thus, heretics have accustomed themselves to deceive many; knowing that their errors will not be readily accepted if they are exhaled nakedly; and therefore, they season them with heavenly eloquence, as with certain perfumes, so that those who are horrified by impiety may not easily despise divine oracles. Hence, the Savior cried out: "Beware of false prophets, who come to you in sheep's clothing, but inwardly they are ravenous wolves." Matthew 7:15. What is the "sheep's clothing" if not the simulation of piety, with which deceitful writers cleverly adorn themselves? What are "ravenous wolves" if not the sentiments of heretics, who tear apart the flock of Christ? "See," says Origen, "that you are not deceived by the brilliance of the work, nor are you carried away by the beauty of the discourse." Similarly, St. Gregory says: "Heretics, by mixing right with wrong, seek to draw listeners to themselves by showing good things; and by exhibiting evil things, they secretly corrupt those who hear them." Book 4, Moral Chapters, Chapter 44.

IV. But it is very important to bring forth the words of a certain learned heretic, Abraham Le Moine, in the Translation of the Three Pastoral Epistles of the Bishop of London, in the year 4730, who, speaking of many books published in England, which promote atheism under the guise of wisdom, says: "Such books, when they fall into the hands of an innumerable number of people, produce infinite evil. And the more so, the more they appear pleasing on the surface and with a seemingly laudable purpose. Everyone turns away from open incredulity. But these English authors, under the pretense of presenting the evangelical truth, undermine its very foundations, destroy its principles, and omit nothing to make its arguments seem very suspect. They exude a poison, the more deadly the more subtle and hidden it is. For a long time, deluded men drink it in; but they see nothing there, because they suspect nothing. They also mix in pleasantries and erudition, so as to better bind them with their deceit. And since novelty is pleasing, and religion is slight..."

[*Latin ed. p. 381*]

It is not surprising that books of this kind corrupt the minds and hearts of those who read them carelessly. The arguments of unbelievers wound: readers are ensnared, scruples are abandoned, and they unexpectedly be-

Translated by churchlatin.ai, a product of Boyne Archives

come unbelievers. From this arises an immoderate license of the mind, and an irresistible freedom of the heart; these indulge in passions and extend the dominion of vices. Therefore, it can be said that this great city (namely, London) has never been so depraved as it is today. Indeed, almost all the states of Europe, and many kingdoms, are unfortunately afflicted; but they would undoubtedly be even more so, if they possessed the same freedom that we have in thinking, writing, and reading. Thus far, I have spoken. The complaint and outcry of this heretic, which I have mentioned, alone are sufficient to demonstrate how necessary it is to prohibit pernicious books for the sake of religion and public peace. And would that it were false that the aforementioned author asserts at the end, namely, that even among Catholics, more have been infected by the plague of atheism. And to what can this be attributed, if not to the corrupting reading of condemned books? Other Englishmen, relating the common contagion of their nation with the heretic, bravely lament; but meanwhile, they take the least possible care to restrain the harmful freedom of writing and reading. In the time when England obeyed the Roman Church, there were no unbelievers there, no atheists, no Deists, nor any of the broad-minded; because there were no books there that taught such things, and no one read them. Now, it is best to confirm this with examples. B. Dionysius of Alexandria testifies, in Baronius, that harmful books led the nephew of a bishop almost halfway to the regions of the Cilicians. Bardasanes of Syria, already converted to the faith, was once so conspicuous for his piety, and so zealous in denouncing heretics in word and writing, that he was admired by Catholics; but when he read certain volumes of the Valentinians, he not only subscribed to their errors, but invented other, more atrocious paradoxes, and thus seduced countless people. See Ephraim Chamber in the Cyclopedia, under the word "Bardasanites." Also, St. Jerome testifies, in his book "On Isaiah," 48, chapter 64, that Spain and Portugal were not corrupted until the books of the Priscillianists were spread there. Similarly, St. Turibius, in his letters to Idacius, Cepion, and B. Leo, laments the corruption of Iberia and the province of Narbonne, attributing it to certain nefarious books, which he declared to be the sole cause of so much ruin. Eutyches, previously an unyielding defender of the faith, was changed into a head of countless heretics by the reading of a book by a Manichaean. See Anastasius of Sinai, "Against the Acephali," chapters 6 and 14. Afterwards, he was forced to recant in a monastery, but his writings, despite his silence, did not cease to spread corruption in the East. Julian of Halicarnassus, in Caria, similarly fell away from the faith through the reading of the books of Valentinus. Anastasius, ibid. Thus also Avitus, a presbyter,

[*Latin ed. p. 382*]

A certain Spaniard, while reading the writings of Origen, read simultaneously their refutation. And although he had been warned by Jerome

Translated by churchlatin.ai, a product of Boyne Archives

to beware of errors, he nevertheless absorbed the poisonous ideas, rejecting the warning. Baronius, *Adnotationes*, 144, n. 4. The sorrowful case of Henry Bulincerus, a Catholic doctor, formerly pious, indeed eager for perfection, who was about to enter the Carthusian order, occurred when he encountered the writings of Melanchthon. Although, according to his own account, he was inwardly terrified by this, as if by a divine voice, he was nevertheless driven by the demon to read them, and he fell; thus, from a faithful servant of God, he became an unhappy minister of Satan. See *Dictionarium Portatile*, verb. Zwinglius; Jerome of Wycliffe, after many wicked labors published in England, scarcely reported anything but insults, and made few followers of his errors; but when he disseminated his nefarious books, he lost all of Bohemia, which he never saw, and passed on the poisoned drink to others; for when John Hus received the books of Wycliffe from a Bohemian who had studied at Oxford, he spread their impious doctrine everywhere: Cocceius, *Historia Ecclesiastica*. See also Bon Blaccius, in notes to Thomas Waldensis, *Doctrina*, 6. Wycliffe. We omit other similar examples, which are commonly found in histories, lest we become too lengthy. VI. It is clear to all learned people that new heresies have almost always arisen from the books of other ancient heretics. Therefore, councils, popes, and pious princes have used both the pen and the voice, as well as censures and other punishments, to eradicate books that could in any way corrupt the faith or morals. Hence, the Fathers in their writings greatly endeavored to dissuade the faithful from reading such books. Origen asserted that those who read indecent or impious books are guilty of the same fault as those who eat meat offered to false idols. Origen, *Homilia* 20, on Numbers. St. Isidore wrote that reading impious writings is the same as sacrificing to the devil; and he adds that it is not permissible for Christians to read fables, because through them the mind is inflamed with lust. In *Opera*, Distinctio 45, 37. St. Jerome says: "No one enters a ship with a hole in its hull to learn how to avoid shipwreck; and will you direct your soul, filled with a volume full of heresies, so that it may be immune to deception, in order to learn the Catholic truth?" *Epistola ad Lætam*. Tertullian more forcefully: "No one can be built up from that which destroys; no one can be enlightened by that from which he is darkened." *De Praescriptione*, chapter 2. Even the impious Luther published a book on abolishing the writings of false doctrine. See Steidanus, book 2. Calvin likewise lamented against bad books. Braschius, *De Libris Ecclesiasticis*, volume 3, chapter 26, n. 5. It is also known that the books of Michael Servetus were burned together with the impious author at Geneva, at the urging of Calvin. Even the pagans, guided only by reason or experience, held the same judgment about eradicating bad writings. Plato considered it necessary that books be subjected to the examination of wise men before they are passed on to

Translated by churchlatin.ai, a product of Boyne Archives

others.

[*Latin ed. p. 383*]

VII. Indeed, among all civilized nations, the custom of destroying books containing harmful content has always prevailed. Among the Hebrews, Joakim, upon receiving a book from Jeremiah through Baruch, fearing that it would cause scandal to the Jews, ordered it to be burned. See Bodinus, *De Daemonomaniae*, book 2, chapter 9. King Herod also wished to have all Hebrew codices destroyed, considering them to be opposed to public peace. Eusebius, *Historia Ecclesiastica*, book 4, chapter 8. Among the Syrians, Antiochus Epiphanes, by a public decree, ordered the books of the Hebrews to be burned. 2 Maccabees 4:5; Josephus, *Antiquitates Judaicae*, book 12, chapter 7. Among the Athenians, Protagoras was banished and thoroughly exterminated, and his writings were publicly burned, because he doubted the existence of the gods. Cicero, *De Natura Deorum*, book 4; Lactantius, *De Ira Dei*, chapter 9. Similarly, among the Greeks, the books of Epicurus were burned, as reported by Philemon in his commentary on Proverbs. Among the Romans, when a certain scoundrel, while plowing, found volumes in a tomb, in which Numa expressed opinions about the worship of the gods that were not entirely favorable (although true), the Senate ordered them to be burned. Valerius Maximus, book 4, chapter 4; Pliny, book 43, chapter 43. Marcus Æmilius, having learned of the large number of books that were being brought into Rome, ordered that all writings containing new rites and prayers be burned, by the decree of a herald. Arnobius testifies to this in book 3, as cited by Baronius in his *Annales*, year 302, number 49. The Romans also requested that the books of Cicero on the nature of the gods be suppressed, in which Cicero clearly expressed unfavorable opinions about their religion. Furthermore, several Roman laws prescribe the destruction of books containing objectionable content, such as in book 4, section Mala medioamenta, in the *Fragmenta Vaticana*, chapter 4. Also, see Paul's Canons, book 5, title 28, concerning 1 Corinthians; book Quieumque, book Damnato, under the section on things to be praised. Moreover, Livy testifies in book 40, section 40, that among the Romans, it was the duty of the Pontifex Maximus to examine writings, condemn them, and burn them. Also, Emperor Augustus burned more than two thousand books, in which the authors were either unknown or considered to be of little merit. Suetonius, *De Vita Augusti*; Nicophorus, book 13. Similarly, Caesar forbade the reading of a book on the art of love, and banished its author, Ovid.

VIII. And here, it must be especially noted that bishops and pastors should diligently strive to remove from among their flock books that are obscene or that treat of vice, which Origen wisely calls "cups of Babylon," and St. Augustine calls "frogs that leap from the mouth of the beast." Even the Gentiles abhorred such vile writings. Plato said that indecent

Translated by churchlatin.ai, a product of Boyne Archives

books should be kept far from all cities. Among the Lacedaemonians, and throughout the entire territory of Sparta, it was forbidden to read and possess the books of Archilochus, because they contained obscene content. Valerius Maximus, book 6, chapter 12. It is said, as a certain author Beyerlink reports in his *Cyclopaedia*, under the word "Liber," page 78, letter D, that Virgil ordered his own poem, because of the fabricated indecency of Dido, to be thrown into the fire before his death. Many small books of this kind, called Ro-

[*Latin ed. p. 384*]

Novels (commonly called romances), are circulated everywhere today, and are read by the hands of simple young people. The first author of such a novel was Heliodorus, Bishop of Tricae in Thessaly, as Nicephorus recounts, book 12, chapter 34. When this Heliodorus wrote such a novel during his youth, which could easily incite young people to licentious loves, the provincial synod, recognizing this danger, imposed a condition on him: either he should surrender his work to the flames, or renounce the episcopate; but he preferred to yield his dignity rather than destroy his work.

IX. Such novels are not universally condemned by ecclesiastical law, for the Index (Rule 7) only condemns books that explicitly treat or teach lewd matters; however, by natural law, as a learned author aptly observes, the Continuator of Tournely, in "De præceptis Decalogi," chapter 1, at the end, they are often forbidden in themselves because of the serious harm they inflict on those who read them; for the more subtly the poison is hidden, the more it harms. Alexander Tassoni writes in book 7, "Pensieri diversi," chapter 14, that when reading about amorous events and stratagems, especially in solitude and during leisure time, obscene fantasies arise under the guise of pleasure, and the mind is drawn into them (1).

These novels do not contain explicit indecency, but by wonderfully inflaming the mind with profane loves, they obscure it, alienate it from God, and strongly incline it towards evil, so that when an opportunity arises, a person easily falls into infamous vices, and then perseveres more stubbornly in them. And it should be noted that often the heads of families are guilty of this harm, because they are obligated to take these wicked books away from the hands of their children; and if they do not, they should understand that they cannot excuse themselves from guilt; and they should not then complain if their children neglect and despise useful studies, because by accustoming themselves to the pleasurable reading of novels, they subsequently find it distasteful and abhorrent to read other profitable books; and thus they become uneducated and vicious.

John Gerson, writing against a certain novel entitled "De Rosa," quotes the condemnation of Ovid's book by Caesar Augustus, and then exclaims: "Oh God, oh the morals of the present time! Among pagans, a pagan judge and an unbelieving pagan condemns one who writes a doctrine that leads

Translated by churchlatin.ai, a product of Boyne Archives

to the seduction of love, and among Christians, such a work is tolerated, praised, and defended!"

X. A book of similar character is entitled "The Faithful Pastor" (which is now deservedly expressly condemned): and as Peter Bayle recounts, Dict. verb. Guar. Remarq. litt. C. page 1444, a certain foolish person undertook to defend this pernicious book, saying ineptly that it does no harm (1).

(1) That is: In reading about amorous events and stratagems, especially in solitary places and during leisure time, obscene visions arise under the guise of pleasure, to which the mind clings.

[*Latin ed. p. 385*]

It would bring about, if young girls were to reject those who love them. But even Bayle, although an impious man and without faith, rightly reproaches this flimsy defense (we translate his words from the French language into Latin): "This argument is sophistic, for it demands a condition that the very work itself makes most difficult. You require two things, that we read your work, and that we reject those who love us. If these two things are required simultaneously, you are unjust, because your poem deprives us of the power to reject those who love us. Moreover, it fills us with love, kindles lust, disturbs the mind, and violently compels us to seek the presence of those we desire. But suppose that we were to reject them, would we not, through such narratives, be miserably exposed to and aroused by many impure passions? And then Bayle proceeds to urge that these kinds of books should be completely abolished everywhere. XI. Cicero wrote in Book 2 of the Tusculan Questions: "Do you see how many evils poets bring? They soften our minds... they weaken all the nerves of virtue." Hence, Quintilian, in Book 4, chapter 43, forbade that the books of Horace and other similar poets should ever be read by young people; and St. Jerome, in Epistle 436, said: "The verses of poets are the food of demons." Even Luther, although of the most dissolute morals, wrote: "It is necessary that the books of Juvenal, Martial, Catullus, and the Priapea of Virgil be exterminated from all places and schools, because they write such obscene and indecent things that they cannot be read without great harm to youth." Similar, or even more pernicious, is the pestilent book of Boccaccio (even that which is said to be expurgated, and is circulated), which, in my opinion, can do more harm to young people than the works of Luther and Calvin. But, some argue, in it, a refined language is learned, and there are many things that instruct in good morals. But John Gerson responds well to this, writing against the De Rosa of the Romancers: "Are the evils in it, then, not removed because of this?" Fire is more dangerous. A hook catches a fish, even if it is covered with bait. Does a sword smeared with honey wound less?" Gretser adds wisely: "But these good things, pure and sincere, you will find in the books of Catholics; what need is there, then, to turn to those glittering streams? Who would prefer to drink water tainted with poison,

Translated by churchlatin.ai, a product of Boyne Archives

even if he is not ignorant of how to separate the poison? At least, whoever drinks water completely free from all contagion is without danger." De jure et more prohib. libros, Book 4, etc., chapter 29. St. Augustine also wrote against those who read Terence in order to learn words: "These words are not learned more easily through this wickedness, but through these words, this wickedness is more confidently committed. I do not accuse the words... but the wine of error that is poured out upon us in them." Book 4, Confessions, chapter 46. XII. But let us return to our purpose, and conclude that, from all that has been said, it is clear that it is the judgment of nature itself that these books, which are harmful to religion or good morals, should be eradicated in every way, so that...

[*Latin ed. p. 386*]

All theologians teach this; indeed, they add that, not even with the permission of the Pope, the reading of that book should be permitted, which might be an occasion for the subversion of someone. Juvenin, *Theologia*, vol. 6, p. 7, dissertation 4, question 4, chapter 6, section 2. Continuat, *Tournely de Præceptis Decalogi*, chapter 1, article 4, at the end. Graveson, *Historia*, part 2, colloquy 5. Habert, vol. 3, treatise on theological virtues, article 4, chapter 4, question 6. Furthermore, the most learned Sylvius, apud Continuat, in the aforementioned passage, states that no one can read the works of heretics without the very grave danger of serious harm, unless they have devoted three or four years to the study of theology. Therefore, if the Gentiles, as we have seen above, considered it necessary to abolish books that were opposed to their false religion in order to preserve it, how much more ought the Church to strive to protect the true religion from harm? It is necessary (said Theodosius in the decree *Jubemus*, chapter on the Trinity) that nothing written which incites God to anger, or which impels the minds of men to ruin and fraud, should reach the ears of anyone. And Marcian, apud the Council of Chalcedon, act 3, and see *Quicumque*, chapter on heretics and Manicheans, says: "Errors will be removed if there is neither a sinner nor a teacher, and if the traces of perniciousness are consumed in the flames." Also, Charles V, in his edict given in Brussels in the year 1550, wisely stated: "If even a single drop of poison, if mixed with the best of food, is to be rejected because it could harm the human body, how much more should those writings, which are widely infected with such great and harmful poisons, not only be avoided by us, but also, so that they may not even be remembered, be erased from the memory of all men?"

CHAPTER II. It is demonstrated that the holy Church of God has been concerned from the beginning, according to the precept of the Apostles, about the abolition of wicked books.

I. Generally, theologians teach that it is a dogma and a truth of the faith that the Church, and for its own head, the Roman Pontiff, as the Vicar of

Translated by churchlatin.ai, a product of Boyne Archives

Christ, has received from the Lord Himself the jurisdiction to forbid to the faithful the reading of books, whether they treat of religion impiously, or contain something contrary to good morals, or to the discipline of the Church. Suarez, *De triplici virtute*, disputation 20, section 2, number 4. Cardinal Albitz, *De inconstantia in fide*, chapter 30, number 186. Charles, book 7, chapter 48, number 3. Braschius, *De libero Ecclesiae*, vol. 3, chapter 26, number 6. Anonymus, response to the history of the Inquisition, F. Pauli, p. 226. Indeed, if the Church did not have this power, and if the faithful were not bound in this regard, then neither could that faith be preserved, nor would Christ have provided sufficiently for His Church: "The Church," says Baronius, in the year 447, number 7, "would labor in vain in extirpating heresies and fostering good morals, unless there were a means to cut off the sources from which the gatherings of errors and vices spring forth."

[*Latin ed. p. 387*]

It is evident that the care and the right to remove and, with the hands of the faithful, to destroy harmful books, especially pertains to the Church: for to her alone has been given the power, for the sake of faith and morals, to judge, and to provide her flock with wholesome pastures for their nourishment. Hence, the Doctors rightly teach (see Honorat. Tournely, *Præl. theol. de Eccl.*, question 5, article 3) that the Church's censure, or judgment, concerning books is entirely infallible: for, as Natalis Alexander says in *Hist.*, volume II, section 6, dissertation 5, page 448, edition of Naples, Christ has given the Church the power to distinguish sound doctrine from heretical doctrine. And since any doctrine is contained in some books, it was necessary that the Church, in her judgment concerning books in which matters of Christian faith and morals are discussed, should not be able to err. Surely, no one would consider a shepherd fit to feed his flock who was unable to distinguish harmful pastures from wholesome ones. Therefore, it would be inappropriate to demand that the Church care for the faithful if she had not been granted certain knowledge for judging books of either sound or unsound doctrine.

II. Furthermore, more is demonstrated concerning the fact that the custom of the Church in prohibiting and abolishing wicked books is derived from tradition and the precept of the Apostles. First, it is clear that this discipline has always been observed in the Church, and that no Pope or Council can be indicated from which it originated. Origen says: "Concerning those who, teaching things different from those of the Church, have incurred divine punishment, would they not be judged, as if whatever they have written should perish together with their own ashes?" *Hom.* 9. Therefore, even in the time of Origen, the custom of eradicating erroneous writings was already in force. We have already explained the sentiments of Ephrem, Tertullian, and Cyprian. Alexander of Alexandria (who lived at the time of

Translated by churchlatin.ai, a product of Boyne Archives

the Council of Nicaea), after describing the harm that the books of heretics inflict on the faith, says that he could not bear to read those writings. Alex. Alexandrin. *Epist. ad Alex. C. P.* apud Theodor., *l.* 4, *hist.*, o. 4, and apud Baron., *ad an.* 318, n. 85. Arnobius also testifies to this, apud Baron., *ad an.* 56, n. 302. St. Athanasius, in *De incarn. Verb.*, apud Brasehium, Socrates, *hist.*, *l.* 2, chapter 24, and all the historians, attest that those recently converted from heresy were never received into the Church unless they voluntarily surrendered all the codices they possessed to be burned. Furthermore, Nazianzenus, in *orat.* 18, notes that St. Cyprian was not received until he brought several books to be burned. St. Augustine confirms this, speaking of a certain heretic, and wrote: "This man, who was lost, now sought, found, and brought, carried with him books to be burned, by which he himself had been consumed, so that, as those were cast into the fire, he might pass into refreshment." *In Psal.* 64, at the end. Damascene also recounts the story of a certain Theuda, apud Beyerlink, *verb. Liber*. Furthermore, in the Apostolic Constitutions (*lib.* 4, o. 6), it is written: "The abbot shall take away all the books of the Gentiles..." What has this to do with foreign languages or laws?

[*Latin ed. p. 388*]

I. Or, perhaps by false prophets, who pervert the righteous faith of men? III. Therefore, it is clear, according to the accepted rule of Augustine, in *De Baptismo*, book 4, chapter 24, that the Apostles commanded that impious books be avoided and destroyed. For St. Paul said: "I beseech you, brethren, that you mark them who cause divisions and offenses, contrary to the doctrine which you have received, and turn away from them." Romans, 16:17. The same Apostle thus warned Timothy: "O Timothy, guard the deposit, avoiding the profane novelties of words and oppositions of the false science." 1 Timothy, 6:20. Here, the Apostle referred to the principles of the Gnostics, and the false doctrines of Simon, the Nicolaitans, and other heretics of that time, warning Timothy to keep himself and the faithful away from them. Furthermore, he wrote to him: "But avoid profane and empty babblings, for they increase to impiety, and their word is like a cancer; from which are Hymenaeus and Philetus, who have erred concerning the truth..." and "who have overthrown the faith of some." 2 Timothy, 2:16-18. "Avoid" certainly implies not only avoiding the words, but also the writings of heretics. And if the Apostles commanded the faithful not even to say "Hail" to heretics (2 John, 1:4), how much more should it be understood that they commanded avoiding their codices, since no communion can be worse with heretics than reading their writings? IV. Finally, that this practice of turning the faithful away from the writings of impious men was introduced by the very Apostles, is clear from the Acts of the Apostles, where we read: "But many of those who had been living carelessly came, and brought their books, and burned them before

Translated by churchlatin.ai, a product of Boyne Archives

all. And they computed the price of them, and found it to be fifty thousand pieces of silver." Thus, the word of God grew and was confirmed. Acts, 19:19. Pecinius, in *Apol.*, chapter 48, paragraph 495, very foolishly says that this passage does not refer to the books of heretics, but to superstitious practices and divination. But it is answered: if the Apostles considered it necessary to burn the books of diviners, how much more so the books of heretics? But whatever Pecinius may have erred in, St. Augustine testifies to the certainty of this in his *Tractate on Psalm 65*, paragraph last, column 442, that all sectarians, when they were received into the Church, brought their codices to the feet of their Apostles to be burned: "You know," he says, "that it is written in the Acts of the Apostles, that many lost souls, and followers of various doctrines, brought all their books to the Apostles, and many books were burned." The impious Luther himself did not hesitate to write: "It is an ancient example, and an ancient custom, to burn infected and wicked books, as we read in the Acts of the Apostles." See volume 2, *Epistles to Spalatin*. St. Cyprian also wrote about harmful books: "If ever such things have been written by the rash temerity of some, they are not permitted to be read among us." *Epistle 42 to Corasius*. The same was written by Emperor Justinian in his edict to the people of Constantinople concerning the books of heretics.

[*Latin ed. p. 389*]

V. But now, it is more fitting to elucidate this matter with examples. Although it seemed permissible for pastors of the Church, out of necessity and for a time, to read the books of heretics, so that they might refute them, according to the Fourth Council of Carthage, Canon 16, nevertheless, in the early centuries of the Church, these same patriarchs were cautious about reading such works, or, if necessity demanded it, they read them with great fear. "I have devoted myself," writes Dionysius, Patriarch of the Church of Alexandria, "to examining the books and traditions of heretics: indeed, their sentiments so pollute my mind; yet, I perceive this benefit from them, that I may silently refute them within myself, and, moreover, detest them all the more." And when a certain brother from the order of the presbyters forbade me, fearing that I might partake of their wickedness, for he said that my mind would be defiled, and indeed, I myself felt it to be so... And I was confirmed by a heavenly vision. Thus, in Eusebius, *History*, Book 7, chapter 7. Observe: although Dionysius was the patriarch of so great a Church, and he only examined the books of heretics in order to refute them, he nevertheless confesses that reading them had somewhat tainted his mind, or at least disturbed it. And what is more remarkable, although Dionysius was a man endowed with such sanctity and learning, who himself refuted the errors of the Chiliasts, and condemned the books of Nepos, the bishop, and who was the first to vanquish the heresy of Sabellius, and informed Pope Sixtus about it; who most successfully argued against the

Translated by churchlatin.ai, a product of Boyne Archives

Novatians, and soon foresaw that Fabian, the Antiochenian, would fall into the same error; who also refuted Paul of Samosata, the Nepotians, and other heretics: and yet, despite all this (as Eusebius recounts), the faithful, when they learned that Dionysius was reading the books of heretics, were greatly scandalized; indeed, they accused him of this before the Pontiff, and the Pontiff rebuked him, and forbade him to continue reading the works of heretics, where it caused offense to his people. Furthermore, Socrates recounts in *History*, Book 6, chapter 45, that Theophilus, also Patriarch of the same Church of Alexandria, a most learned man, when he had read the books of Origen on first principles (which he himself was the first to condemn), not only was he rebuked by his own people, but he was condemned in a Council, where the excuses he offered were not accepted.

VI. From the very beginning of the Church, it was forbidden to read any work written by a heretic, simply because it was known to be such, even without any special prohibition being issued. Thus, St. Gregory answered to Anastasius, the Patriarch of Antioch, who asked whether, when a certain heretic was condemned, all of his works should immediately be condemned? See Cardinal Petavius, volume 4, page 8, in the *Constitutions of Gelasius*. Furthermore, when a codex containing certain errors against...

[*Latin ed. p. 390*]

The faith was defended when John, the Bishop, condemned a certain codex and expelled it from the monastery, and sent the proceedings to St. Gregory, who approved of the action; but when Athanasius asserted that he had read it unknowingly, Gregory granted him permission to return the codex to the monastery, but expressly forbade the reading of that work. St. Gregory, epistle to Athanasius, 64, book 5, section 164. From this, the Editors of the *Collectio S. Mauri*, volume 2, of the works of St. Gregory, note that the power and practice of prohibiting books existed among the Roman Pontiffs from ancient times, and that even the Patriarchs of the Eastern Church and others were bound to obey this discipline. VII. From this also it is derived that those who had read or possessed the books of heretics were always considered suspected of heresy, and could be punished as such. See Archdeacon John Andrew, etc., in the chapter "Filii," on heretics, book 6; Ananias in "Episcopus," on heretics; Rojas Sing., in *Fav. Fidei*, page 124. And it is further demonstrated by learned men that in the early centuries of the Church, all the writings of heretics were condemned to the flames, so that almost all of the heretics themselves have perished, so that if the Fathers of the Church had not remembered them, not even their names would be known today. Where are the countless books of the Arians that once filled the East? Where are the numerous volumes of Apollinaris, Celsus, Manes, and the Gnostics? Concerning all of these, what was said by the Fathers of the Second Council of Constantinople, chapter 1, was fulfilled. To the heretics, whose unrestrained tongues and most impious

Translated by churchlatin.ai, a product of Boyne Archives

writings are allied to the father of lies, the devil, we say: "You shall be made to burn with the flame of fire; you shall walk in the light of your fire, and through the flame that you have kindled." VIII. It should also be diligently noted, as Baronius recounts, in the year 490, from number 21 to 47; Cardinal Albitius, in *De Inconstantia in Fide*, chapter 30, number 155; Braschius, in *De Libertate Eccl.*, volume 3, chapter 26, number 43; Louis Bail, in *Summa Conciliorum*, in the Second Latin Council, at the end, and others, that from the early centuries of the Church, it was customary for everyone to submit their books to the examination and censure of the Supreme Pontiff, as is attested by Cæsarius of Arles, St. Honoratus, Gannadius, and others in the West. Bishop Possessor also did this, who, when he did not receive a response to the codices he had sent to Hormisdas for examination and correction, rebuked him in this way: "I remember having sent you a codex containing explanations of the Epistles of St. Paul, for which I did not deserve to receive a reply. Therefore, I beseech you, that I may deserve to obtain the benefit of your blessing with a fitting response." Epistle to Hormisdas, among the Epistles of Hormisdas. Anselm also did this, as is evident from his Preface to Urban II, in his book *De Fide Trinitatis*, etc. St. Augustine also did this with regard to his books against the Pelagians, which he sent to St. Boniface. The Easterners also did this, as Dionysius of Alexandria, John the Orthodox, Photius, and others, especially Fulgentius, the Patriarch, attest.

[*Latin ed. p. 391*]

At Alexandria, [Origen] submitted his writings to the censure of St. Gregory, as appears from the letters of the same Gregory, Book 8, Index 3, letters 35 and 42. Furthermore, among the writings of Abbot Joachim, a document was found in the year 1200, written by his own hand, in which these words are found: "Due to the urgency of the times, I have not been able to present the aforementioned works, except for the book of Concord, to the Apostolic See for correction, as I undertook to do, because I have received the condition that I should present whatever teaching has been given to me. If it should happen that I depart from this life before I can do so, I beseech, on behalf of God, all my fellow monks, and superiors, and by the authority which I seem to possess, that those who have this writing or a copy with them, and as if it were a testament, should collect all the works as much as they can, leaving copies in safe custody, and present them to the Apostolic See for examination, receiving from that same See, in my place, the correction that it rejects, and accepting what it approves, etc." In the annals of St. Nicholas, Alexander X. Also, St. Julian of Toledo, Bishop, around the year 685, submitted his *Apology* against the detractors of the Sixth General Council to Pope Benedict II. The Pope disapproved of some things in it, but when Julian explained them correctly again, and sent the work again with the explanation to Pope Sergius, Sergius approved the

Translated by churchlatin.ai, a product of Boyne Archives

work and ordered it to be read by others. In the annals of St. Nicholas, History, section 7, chapter 3, article 22. Haronius, in the year 1186, number 26, writes of a certain Gotthfried, who was a notary to Conrad III, Frederick I, and Henry VI, and that this man, although he was in the court of these aforementioned princes, who were so opposed to the rights of the Church, nevertheless firmly believed that it was the proper duty of the Roman Pontiffs to examine and approve books. But it is better to hear Gotthfried himself, who, in the preface to his historical work, which he sent to Urban III in the year 1189, wrote as follows: "If a work on history is completed, it is fitting that, before it is made public, it be presented to the Apostolic See for examination. Therefore, I have presented this small work before your examination, so that, if it is approved by you, it may be sent to other churches." Also, the Fathers of the Synod of Soissons in the year 1121 decreed that the books of Peter Abelard should be considered condemned for this very reason, because they did not appear to have been commended by the authority of the Roman Pontiff or the Church. Peter Abelard, Letter 4, to a Friend. Similarly, Pope Nicholas severely rebuked Scotus Erigena, who, around the middle of the 9th century, had presented volumes of St. Dionysius, St. Maximus, and others, without the approval of the Church, saying: "Because, according to custom, they should be sent to Us, and approved by Our judgment." And therefore, he ordered that those writings be sent immediately. Finally, one decree of Nicholas I is sufficient to prove this, in canon 5 of the Roman collection, dist. 19, where it is said: "By the decree of the Roman Pontiffs, the works of theologians are approved or disapproved."

[*Latin ed. p. 392*]

XI. Therefore, it has always been the judgment of the Roman Pontiffs to preside over the examination of all books, but when the number of books increased enormously, Leo V, in the year 4515, established, by a constitution approved in the Council of Lateran, and subsequently confirmed by the rules of the index, that books of every kind should not be disseminated without the license and approval of the Ordinaries or inquisitors, under penalty of the confiscation of the books, and suspension, and excommunication for the publishers; and those who remain under excommunication for more than a year shall be severely punished. And it should be noted that the aforementioned constitution of Leo is already found recorded in the archives of the royal jurisdiction in the Kingdom of Naples, as reported by Bartholomew Chiocearellus, *Archiv. Reg. Jurisd.*, vol. 17, title 7, CHAPTER III. It is shown that it has always been the principal and proper duty of the Church to proscribe bad books; and that the Church has always exercised this jurisdiction. I. In the 4th century, the Council of Nicaea, in the year 325, condemned the writings of Arius; *Niceph.*, *Hist.*, book 8, chapter 48, and then Constantine ordered that those who had not immedi-

Translated by churchlatin.ai, a product of Boyne Archives

ately brought in any book written by Arius should be punished with death; *Socrat.*, *Hist.*, book 4, chapter 6. The Fathers of the so-called pseudo-council in Tyre, around the year 336, deposed Marcellus of Ancyra because he refused to acquiesce in the sentences of condemnation of his books, and would not deliver them to the flames. *Socrates*, ibid. Theophilus, Bishop of Alexandria, in the year 385, was the first to condemn the books of Origen, and forbade his own people to read them, about which he was later highly praised by Jerome, Epiphanius, and Pope Damasus. But although the works of Origen had been read everywhere with approval until then, some monks in Palestine said that if any errors were found in the books, they had crept into Origen's writings from an alien hand; hence they argued that the rest should not be condemned for those errors; but Theophilus, nevertheless, as reported by Sulpitius Severus, *Dial.* 2, forced the reluctant to condemn everything along with the bad, for the sake of proper authority, because there were quite enough and more books that the Church had received; adding that the reading that would do more harm to the simple-minded than good to the wise should be utterly rejected. II. St. Epiphanius likewise, with a council convened with the Bishops of his island, proscribed the same books of Origen, and forbade his own people from reading them. Finally, Pope Anastasius likewise condemned them. See St. Jerome, *Epist.* 78, to Pammachius. Baronius, in the year 402, note 42, considered that only the Patriarchate of Origen had been condemned; but in this, he is openly contradicted by Severus, Palladius, Sozomenus, Jerome, and others, who say that all the codices of Origen were prohibited. These were then, in the middle...

[*Latin ed. p. 393*]

In the sixth century, Justinian ordered that heretical books be burned, having been so requested by the Church, and despite the objections of many, he was determined that the decree of condemnation should be carried out completely. In the same sixth century, the Fourth (or more accurately, Fifth) Council of Carthage, in the year 398, decreed: "The Bishop shall not read the books of the Gentiles; but those of heretics, if necessary, and at the appropriate time." This is recorded in chapter "De Episcopo," dist. 37. Around the same time, St. John Chrysostom condemned the works of Montanus and handed them over to the flames. See Nicephorus, *Historia*, book 8, chapter 48, section 3. In the fifth century, Pope Innocent I, in his letter of the year 448, condemned the works of Pelagius and Celestius. Furthermore, in the year 434, the Fathers of the Council of Ephesus, after condemning all of Nestorius's books, as recorded by Liberatus in *Brev. c. 10*, anticipating that there would be persistent individuals who would disregard the censure, in their Synodal Letter, they requested Emperor Theodosius to punish those who contradicted with his authority. *Epist. Synod. Conc. Ephes. ad Theod. Act. 2*. And therefore, Theodosius,

Translated by churchlatin.ai, a product of Boyne Archives

and later Valentinian, ordered that the obstinate be compelled, not only by the publication of their goods, but also by the penalty of death, as is stated in *l. Damnato, c. de hæret. et Manich. et l. Jubemus, c. de Summa Trin.* Subsequently, when the Nestorian heretics attempted to circulate the books of Diodorus of Tarsus and Theodorus of Mopsuestia, in which Nestorius's errors were largely contained, Cyril of Alexandria and Acacius, Metropolitan of Armenia, convened Synods and condemned these books, taking care that the faithful should not possess them. Liberatus, in *Brev. c. 10*. Also, in the year 454, the Council of Chalcedon, in Act 2, condemned the books of Eutyches; and at the same time, it also decreed that all the books of the Manichaeans should be handed over to the flames. Platina, apud Braschium, in the aforementioned place, and therefore, Emperor Marcian condemned those who disregarded these canons with the penalty of deportation; and if, afterwards, they taught impious doctrines, with the penalty of death. This is found in the Council of Chalcedon, Act 3, and see also Baronius, *ad ann. 418* and *449*. In the same fifth century, St. Leo again condemned the books of the Manichaeans, as St. Prosper recounts in his *Chronicle*, in the year 443, writing as follows: "The diligence of Pope Leo was evident, who, having brought out the secrets of the Manichaeans, and made public to the eyes of the entire Church the wickedness of all his doctrines, condemned and revealed them, and many Eastern priests imitated the industry of the leader, by burning their codices." The same St. Leo wrote: "It must be taken care of, and the utmost diligence must be exercised by the priests, so that false codices should not be used in any reading." As for the Apocrypha of Scripture, they are not only to be forbidden, but to be burned... Therefore, if any Bishop does not forbid that the Apocrypha be kept in houses, let him be judged a heretic; for if he does not turn others away from error, he demonstrates that he himself is erring. *Epist. 15, alias 93, c. 15, Edit. Ven.* The same St. Leo, as is read in his response to St. Turribius, condemned the writings of the Apollinarians and the Bishop of Asturica, Dictinius.

[*Latin ed. p. 394*]

(but who had already recovered from the error), said: "But let no one presume to call these things Catholic, nor be considered among Catholics, whoever attacks with writings those things which have been condemned, not only by the Catholic Church, but also by its Author." In the same century, the Vth, a famous decree concerning the censorship of books, attributed to Gelasius, is said to have been published. Baronius, in his Annals, year 69, number 4, along with others, believes that Damasus was the author of that decree, while Gelasius was its promulgator; but Personius, in his "Vindiciae Ignatianae," Book 4, chapter 4, from an ancient codex brought from the monastery of Bec to England by Lanfranc, reads the title: "The Decree of Pope Gelasius concerning the acceptance and

Translated by churchlatin.ai, a product of Boyne Archives

non-acceptance of books..." which were written by him with seventy of the most learned bishops. And Gratian, Lupus of Ferarra, and others, along with Pope Nicholas, in Epistle 62 to the Bishops of Gaul, confirm this. Lupus of Ferarra, in his letter to Charles Calvin, at the end, and Gratian, in "Decretum," title "Sancta Romana," Dist. 15, mention that a certain codex, found with Ballixius, attributes the decree to Pope Hormisdas; for, as the same Baronius, Pagius, Cardinal Noris, and others report, Baronius, in his Annals, year 420, number 21; Pagius, there, in his "Critica," year 494, number 4; Noris, in his "Cenotapbia Pisanis," dissertation 4, section 4; and P. Orsi, in his "Historia Ecclesiastica," year 494, all state that Hormisdas, writing to a bishop, affirms that a decree already existed, saying: "Those things which are defined as Catholic (in that decree) are those books, even of the ancients, which are to be received." But in the decree of Hormisdas, it is read: "Not only have the writings (namely, those of the heretics) been rejected, but they have been eliminated from all the Roman and Apostolic Church, and we declare their authors to be eternally condemned with an unbreakable bond of anathema." Abbot de Fleury writes, in Volume 19, Orations 7, on his "Historia Ecclesiastica," number 13, and in Volume 7, page 64, that in that decree, a simple direction for caution is given, and not a precept of prohibition, because there are no censures or penalties imposed in it. But this is incorrect, for the word "eliminated" clearly demonstrates that those writings had already been condemned by the Church. How can Fleury assert that there is no censure imposed in that decree, when it is written there: "Under an unbreakable bond of anathema"? Furthermore, Clement VIII, in his constitution "Sacrosanctum," dated October 4, 1495, testifies that Gelasius had already condemned those who held those books under censure. Moreover, the Fathers of the Council of Trent, as reported by Cardinal Pallavicinus, in his "Historia Concilii Tridentini," part 2, chapters 48 and 49, argued from the writings of Gelasius that it was not necessary to cite the authors whose books were to be prohibited. Another author, namely Van Espen, part 4, title 22, on the "Congregation of Cardinals," chapter 4, number 2, says that in the praised decree, only the matter of public reading was discussed, and not of private reading. But he too is incorrect, for in the decree it says: "When these things have come into the hands of Catholics"; does not everyone see that here, even the matter of private reading is being discussed?

[*Latin ed. p. 395*]

VI. In the sixth century, in the year 536, the Fathers of the Council, under the guidance of Menna of Constantinople, condemned the writings of Severus, Peter of Antioch, and Zoara, declaring: "We reject and anathematize all that they have written." And subsequently, they requested the Emperor to strengthen these decrees with his imperial sanction. At the same time, Pope Vigilius condemned the writings of Theodoret, which defended

Translated by churchlatin.ai, a product of Boyne Archives

St. Cyril; also, the books of Theodorus of Mopsuestia, and the letter of Ibas; and then, in the year 555, these books were consigned to the flames at the Second Council of Constantinople, and all copies of them, if any were subsequently found, were to be subject to excommunication. Regarding the books of the Priscillianists, in the First Council of Braga, in the year 563, it is written (in canon 17): "If anyone reads or defends the Scriptures, which Priscillian, according to his corrupt error, altered; or the treatises of Dictynna (which he himself wrote before his conversion), let him be anathema." Similarly, in the Third Council of Toledo, in the year 589, it was decreed: "It is decreed that all the books of heretics should be given to the flames." (Baron, ad ann. 589, n. 44). In the following centuries, in the year 649, at the Roman Council under Martin I, canon 18 stated: "If anyone does not reject and anathematize in his mind and with his mouth the infamous heretics (namely, Theodorus of Pharan, Cyrus, Sergius, and Paul Pyrrhus) along with all their impious writings... let him be condemned." And in Act 4, the commentaries of Menna and the writings of Pope Vigilius concerning the single will of Christ were condemned and prohibited under anathema. And in the Trullan Council in the year 692, canon 63 decreed that certain apocryphal histories of martyrs were to be condemned and consigned to the flames. Also, in the year 745, St. Boniface, Bishop of Mainz, as legate of the Apostolic See, convened a council, by whose authority the writings of the impious Adalbert were burned. Finally, Pope Zachary, confirming this at the Roman Council, said: "It is well provided by your holiness that all of his writings be consumed by fire." (Baron, ad ann. 745, n. 36). Also, in the Second Council of Nicaea, in the year 787, certain books of the Iconoclasts were condemned with these words: "Anathema to those books, and to those who read them." (Ibid., Act 2). In the ninth century, Pope Nicholas, when asked by the Bulgarians what should be done with the books brought by the Saracens, replied: "Since they are harmful and blasphemous, they should be consigned to the flames." (Epist. ad Bulgar.). Furthermore, Pope Adrian, in the year 869, wrote to Emperor Basil: "We decree that all copies of the writings of Photios, taken from their owners, be burned; and that no one should possess even a single copy, unless perhaps someone, struck by the anathema of the entire Christian name, wishes to be without them." "Let your zeal for piety also be kindled, etc." Thus, the Pontiff continues, urging the Emperor to compel the disobedient with his own decrees and laws. (Beyerlink, verb. Dedecus, lit. f.). The Council of Tull in the year 860, canon 4, confirmed canon 4 of the Third Council of Valencia, which had decreed concerning the books of Scotus Erigena: "From a pious..."

[*Latin ed. p. 396*]

We have heard with great consternation, and we forbid, by the authority of the Holy Spirit, that such and similar writings be disseminated. Pope Leo IX, in the year 4050, at the Council of Vercelli, likewise condemned under

Translated by churchlatin.ai, a product of Boyne Archives

anathema the book of Scotus concerning the Body of Christ. Pope Honorius III, in the year 4225, confirming the acts of the Council of Sens, proscribed another book of the aforementioned Scotus, concerning natures. Lanfranc, *de corpore Domini*, chapter 4. Furthermore, at the Roman Council under Pope Nicholas II, in the year 4059, Berengarius, after his errors had been exposed, was compelled to bring forth all of his own books and the books of others, which were all burned. Lanfranc, *loc. cit.* At the Council of Soissons in the year 4421, Peter Abelard was compelled to commit his own writings to the flames with his own hands. Pope Innocent II decreed that anyone who possessed the books of the aforementioned Abelard, and of Arnald of Brescia, should immediately burn them, as is stated at the end of the Council of Lateran. The same decree was given in the year 4140, at the Council of Sens, as stated by Saint Bernard, *ep. 445 ad Yvonem Card.* The same was decreed concerning the books of Gilbert Porreta by Pope Eugene III, in the year 4148, at the Council of Rheims, as reported by Gaufridus, saying: "The Pope, with apostolic authority, condemned those chapters, strictly forbidding anyone to dare to read or copy that same book." Gaufridus, *ap. Gravel. tom. 4. Hist. part. 4. Coll. 4. et ap. Nat. Alex. t. 43. p. 77. VIII.* Similarly, the Council of Paris, in the year 4204, condemned the books of David of Dinant: "Those books," says Rigordus, "concerning the deeds of Philip," as found in Petavius, *in Prolog. c. 3. n. 8, et apud Natal. Alexand. tom. 46. p. 456, were ordered to be burned; and it was decreed under the penalty of excommunication at the same council, that no one should presume to write, read, or possess them in any way. At the Council of Toledo, in the year 4229, it was forbidden for laypersons of any kind and status to possess, during heresy, any book of the Holy Scriptures, except for the Psalter and the Breviary. Council of Toledo, Statute 13, as found in Harduin, *tom. 7. Collect. col. 478.* And because heretics translate the Holy Scriptures into the vernacular language, so that they may interpret them according to their own erroneous views and subsequently teach those errors to their disciples, the Council of Béziers in the year 1245 (canon 36) forbade all books of Scripture translated into the vulgar tongue. The same was decreed by the Councils of Jerusalem, Mechlin, Cambrai, and others, which can be found in the book published in Paris in the year 1661, by order of the Gallican clergy, under the title: *Collectio Auctorum, qui ex professo sacra Scripturæ in vulgarem linguam translationes damnarunt.* Concerning this matter, there is a fourth rule in the Index. Furthermore, Pope Clement XI proscribed proposition 79 of Quesnelle, which stated: "It is useful and necessary at all times, in all places, and for all kinds of people, to study and know the spirit, piety, and mysteries of the Holy Scriptures." Moreover, the Chancellor of Paris, and the Doctors, at the command of Pope Gregory IX, publicly burned the Talmudic books. Natalius Alexan-

Translated by churchlatin.ai, a product of Boyne Archives

der.

[*Latin ed. p. 397*]

Vol. 46, p. 44. Likewise, Clement IV, Honorius IV, John XII, and others decreed this. See *Sicutum Senens*, Book 2, Title 1, p. 202. Furthermore, from the Jewish library, which was in Cremona, twelve thousand copies were burned. Moreover, Julius III, by Constitution 23, *Cum sicut jus*, ordered that all Jewish books be seized from their homes and burned. Clement VIII, by Constitution 20, *Cum Hebræorum*, deprived even Inquisitors and Papal Legates of the permission to read these books. Alexander IV, by the Constitution *Romanus Pontifex*, in the year 1256, forbade anyone from possessing the writings of William of Saint-Amour, and ordered that they be burned within eight days; and all obeyed. See William of Nangis, *Life of St. Louis*, year 1225. Similarly, Peter, Archbishop of Tarragona, by the authority of Alexander V, in the year 1260, condemned the books of Lawrence of Lully under an anathema; and when, in the year 1376, Gregory XI confirmed the prohibition, King Peter of Aragon, lamenting this, requested the Pope to have the work of Lully re-examined by the Bishop of Barcelona; but despite this, the prohibition remained in force, and the king humbly acquiesced. Also, Thomas Arundell, Archbishop of Canterbury, at a provincial council held in Oxford in 1408, forbade, under pain of excommunication, anyone from reading or possessing any book that had not been previously approved by either the University of Oxford or the University of Cambridge. Similarly, John XXII, at the Roman Council in 1543, condemned several books, ordering the Bishops to ensure that all of them were burned. See Labbe, Vol. 1, Councils, Part 2, and Natalis Alexander, Vol. 16, p. 231. The same mandate was renewed by the Council of Constance in 1415. Given these facts, I cannot understand how some can assert that the Church only gives its judgment on bad books, and does not actually prohibit or burn them.

CHAPTER IV. The objections of the adversaries, by which the prohibition of books issued by the Church is impugned, are answered.

I. Different people object in different ways. Some absolutely assert that the prohibition of books is inherently harmful and unjust. Others concede that it pertains to the Church to give its judgment on books, but that it pertains to the princes to prohibit their reading and to burn them. Still others concede both to the Church, that it can indeed condemn books and forbid their reading, but they believe that the prohibitions issued by the Church in these times are entirely irregular and deviate from the proper order, and therefore cannot bind consciences. Let us examine each of these points.

[*Latin ed. p. 398*]

II. They object, therefore, that the prohibition of books is unjust, citing

Translated by churchlatin.ai, a product of Boyne Archives

the Apostle: "Prove all things, and hold fast that which is good." (1 Thessalonians 5:24). Thus, they claim, the Roman Church errs rashly in prohibiting the reading of books, since each person, by the Apostle's command, is given the right to examine books for reading, to retain what is good within them, and to reject what is bad.

III. This is confirmed by the authority of St. Jerome, who, when accused by others of studying the works of heretics, responded in this manner: "If anyone murmurs why I read the explanations of those whose doctrines I do not accept, let him know that I readily heed the Apostle's words: 'Prove all things, and hold fast that which is good...' Why do my friends wound me, and why do the stubborn swine grunt against me? My purpose is to read the ancient authors, to examine each thing, to retain what is good, and not to deviate from the faith of the Catholic Church." (Letter to Minius and Alexander).

Furthermore, they cite examples and sayings of Theophilus and Dionysius of Alexandria: Theophilus, when rebuked for reading the writings of Origen, replied: "If I find anything good in them, I accept it; but if I see anything thorny, I pass it by as a thorn." Similarly, Dionysius, also rebuked for reading the works of heretics, while discussing the matter with God in prayer, heard a heavenly voice saying to him: "Read all that comes into your hands; for you will be able to discern and test all things." From this, Dionysius read and wrote to others (perhaps even those who were rebuking him): "I have received this vision, as being in conformity with the apostolic voice." (Eusebius, *History*, Book 7, chapter 7).

IV. They add that even Pope Hormisdas did not condemn the reading of certain books, but rather praised it, because otherwise errors could not be effectively refuted or avoided, saying thus: "And yet, the diligence that runs through many things is not disapproved, but the mind is turned away from the truth. Often, instruction is provided concerning these matters, about which even the most stubborn are convinced. It is not through reading unsuitable things that one falls into fault, but through following them. And if that were not so, that great Doctor of the Gentiles would never have instructed the faithful: 'Prove all things, and hold fast that which is good.'" (Letter 70 to Possessor).

Indeed, even Gelasius, in the aforementioned decree, at the very time that he was condemning certain works, added there: "But when these come into the hands of Catholics, let the judgment of the Apostle Paul precede: 'Prove all things, and hold fast that which is good.'" From this, Fleury and Van Espen infer that the Popes, and even Gelasius himself, condemned certain books not so that their reading would be prohibited, but so that they would be read with caution and discernment; because, as they say, a strict prohibition can be harmful, since such a prohibition often drives the unprincipled to read more, and it deprives those of sincere hearts of the

Translated by churchlatin.ai, a product of Boyne Archives

ability to note and refute the errors that lurk within.

[*Latin ed. p. 399*]

V. In response, and first, concerning that passage of the Apostle, "Prove all things, and hold fast that which is good," it is commonly explained by commentators Estius, Cornelius à Lapide, Ugone, Natalis Alexander Tirinus, and others; namely, that all things which are doubtful and uncertain require examination and proof, just as certain prophecies were, about which the Apostle had spoken in the preceding verse, where he said, "Despise not prophecies." Saint Paul wished these to be judged, to determine whether they were true or false; for long ago, the Lord Himself (Deuteronomy 13:1) had commanded that false prophets should not be heard by the faithful; and Tertullian, alas, fell into heresy because he considered the dreams of Montanus and other madwomen to be prophecies. Therefore, Estius says, the Apostle did not speak these words about all doctrines, but only about those which were newly presented by brothers and which had not yet been proven; for these ought to be judged, according to what the same Paul commanded to the Corinthians, writing: "Let two or three prophets speak, and the rest judge." (1 Corinthians 14:29). But he does not wish that those things which have been handed down by himself, or by others, to the Apostles, should be judged, but rather held fast; as in 2 Thessalonians 2:13, he says: "Hold fast to the traditions which you were taught." And in 1 Corinthians 4:21, he says: "I praise you that you remember me in all things, and that you hold fast the traditions as I delivered them to you." Furthermore, Natalis Alexander says: "It is not entrusted to everyone to examine the doctrines of books, but only to Bishops, whom the Holy Spirit has appointed to the Church of God, and especially to the Supreme Pontiff, the Vicar of Christ, and the supreme Pastor of the whole flock of Christ." But wicked books are not condemned by the Church except after careful examination; therefore, no other judgment should be expected of those works which the Church has already judged to be worthy of condemnation.

VI. As for Saint Jerome, it is certain that the saintly Doctor himself constantly condemned the reading of wicked books; for in a certain letter, he wrote: "Read the treatises of men of learning, and those of those whose faith is known; you do not need to seek gold in the mud." (Letter 10 to Furius). And Marianus Victor, noting this letter, wrote: "Everywhere, the most holy man urges us to abstain from the writings of heretics and apocryphal books; and he disapproves of the reasoning by which it is pretended that gold can be found in the mud." Furthermore, Saint Jerome highly praised the decrees of Eusebius and Dionysius of Alexandria, by which the faithful were forbidden from reading the books of Origen. Furthermore, Jerome himself was the author of the suppression of the same books of Origen by Venerius, Bishop of Milan, and by Pope Anastasius, whose decree he himself subsequently spread everywhere. (Saint Jerome, Letter 78 to

Translated by churchlatin.ai, a product of Boyne Archives

Pammachius). He himself also praises Pammachius, who, after reading the principles of Origen, "was horrified and put them away in a chest, lest they wound the minds of many who would be exposed to them." (Saint Jerome, Letter 59 to Avitus). Finally, he testifies that he never showed anyone the copy of Origen that he himself had translated, from which the commentator notes:

[*Latin ed. p. 400*]

Let those who contend that heretical books should be read freely by all hear this, and let them disregard the salutary prohibition of the Holy Church; for even poison, when taken in a golden cup, always does harm. St. Jerome writes elsewhere: "It is better to know nothing than to learn something with danger." *Reg. Monach.*, vol. 9, ed. Col., p. 198. Elsewhere, and passing over other matters, he warns most severely: "No one sends his daughters to a brothel, even though some might be found there lamenting their corrupt state; no one commits his heir to a band of thieves, so that he may learn audacity; no one enters a ship with a hole in its hull, so that he may learn to avoid shipwreck; and do you, by bringing the soul, unguarded against deceit, to a volume filled with heresies, intend that it may learn the Catholic truth there?" St. Jerome, apud Sixtus Senens., lib. 2, vol. 1, VII. If, in one particular instance, St. Jerome seems to hold a different opinion from his adversaries, this should be excused as a result of his excessive zeal, which was sought by Rufinus and others. Hence, there are those who reproach Jerome for reading such things. See Christian. Lupum... And he himself confesses that he was corrected by the Lord for this, and even coerced by scourges. St. Jerome, in *Reg. Monach.* Others write that Jerome read whatever books were necessary for the needs of the Church, and at least with the tacit permission of Damasus and other Pontiffs. Furthermore, it should be known that at that time, a great controversy was raging among the bishops as to whether the works of Origen should be permitted or prohibited. Theophilus, Bishop of Alexandria, and Epiphanius of Salamis in Cyprus, denied it, although their decrees were only applicable to their own churches. Eusebius (who at that time was presenting his *Apology* for the books of Origen), as well as Chrysostom, Theotimus, Cassiodorus, and others, and even Jerome himself, affirmed it, provided that the books were prefaced with cautious and learned introductions. Add to this that the reading of these works had not yet been condemned; who doubts that if the Church had forbidden them, Jerome would have obeyed the Church? VIII. As for Theophilus of Alexandria, it is answered that, although he declared himself free from all reproach because he was careful in his reading of the books of Origen, and condemned whatever seemed perverse, nevertheless, Socrates reports, *Hist.*, lib. 6, cap. 17, that Theophilus was nevertheless condemned by the Council, and that his excuses were not accepted. If this Patriarch was condemned for reading books that had not

Translated by churchlatin.ai, a product of Boyne Archives

yet been prohibited, everyone can see what the opinion of the Easterns was regarding the reading of books that had already been proscribed. But what the opponents bring forward about Dionysius is much more damaging to their case than helpful. Read again, kind reader, what we have said on this matter in chapter II, paragraph 5, where we stated that Dionysius did not dare to read the books of heretics, except by divine...

[*Latin ed. p. 401*]

Confirmed by a vision and a voice, he was nevertheless still accused by his own people before the Pope, who did not fail to rebuke him about this, and forbade him to continue such readings. A remarkable thing! In the early centuries of the Church, when there were very few commentators on the Holy Scriptures, if even a Patriarch had read the works of a great interpreter who had fallen into some error, it was a scandal to the faithful, and he was rebuked, denounced, and condemned; and today, with so many Fathers and so many commentators, in whose works, more learnedly than in the books of heretics, the truths are elucidated, there are men who accuse the Church for forbidding the reading of books infected with errors to its flock! The writings opposed to us by Hormisdas are of no consequence: for the Pope could not ignore the tradition of the Church, the canons of the councils, and the decrees of his predecessors, namely those of Leo and other Popes, and much less the decree of Gelasius, which Hormisdas himself commends in the very same letter. Moreover, he himself notes there that the books of Gennadius are not received by the Church. Furthermore, he himself restrained the faithful from reading the books of Manichaeus and other heretics. See Platina in Hormisdas apud Beyerlink. Verb. Dedecus. As for what Hormisdas wrote to Possessor, namely, "Those who do not read incongruous things are not to blame, but those who do," he wrote this without prejudice to the prohibition of the condemned books. In Constantinople, where there was a great controversy about the book of Gennadius, the Bishop Possessor could well have read it, even if he knew it was condemned; since the Council of Carthage (as we said above) had decreed not long before that Bishops could read the books of heretics for necessity and for a time: how much more so could Possessor have read it, at a time when the book of Gennadius had not yet been condemned. However, he did not want to read it himself, being too scrupulous in that matter; but for this he was rebuked by Hormisdas, because of the Apostle's warning: "Prove all things." For it is necessary that pastors examine things, and then instruct the flock about what they must hold and what they must reject. To say to adversaries that a strict prohibition of books cannot be but harmful, because it drives the libertines to read them more eagerly: this argument contradicts all the commandments of the Church, indeed of God Himself. This is indeed the miserable condition of men, that they desire to indulge in what is forbidden, according to that common proverb: "Prohibition gen-

Translated by churchlatin.ai, a product of Boyne Archives

erates desire." But this does not happen, as Chrysostom says, Hom. 40. in Epist. ad Rom., because of the nature of the law, but because of the fault of those who are bound to obey the law. Augustine said: "The test increased the desire," Serm. 4. de Verbis Apostoli. And elsewhere: "That very thing which is desired becomes more pleasing when it is forbidden." Ibidem c. 40. But so what? Are just precepts...

[*Latin ed. p. 402*]

From this, will harmful things result, and therefore will it be permissible for men to do whatever they please? The first to propose this ridiculous argument was the impudent Peter Soave; but it was excellently refuted by Cardinal Pallavicinus, who said that although the reading of harmful books may, in itself, be pleasing to nature, nevertheless, it is greatly beneficial to prevent the faults that the Church's prohibition aims to prevent. (For, as Pallavicinus says,) greater evils are avoided when countless people, out of obedience, abstain from such books, and are thus kept safe from sin, to which such reading would carelessly lead them. It is not sufficient to leave this matter to the conscience of each individual, who should consider whether such a book will lead him into sin, and therefore whether he is obligated not to use it. This danger is scarcely perceived, except late and after sin has already been committed. The nature of many works is unknown before they are read. Hence, everyone trusts too much in his own knowledge and persuades himself that he will not be deceived by any seducer, nor ensnared by any trap. Histories that recount what once was, and fables that represent what often is, are full of examples that teach how much presumption there is in men before the fact, and how much weakness there is in the fact itself. On the contrary, the prohibition of harmful books brings about two other salutary and noteworthy effects: one is that the fear of censure deters many from writing or publishing such books; the other is that by hindering their sale, it deters printers from printing them, and booksellers from buying them, so that the wretched weed gradually becomes rarer and eventually dies out; and writers, printers, and booksellers are encouraged by their own advantage to devote themselves only to profitable works. (1)

(1) That is: For greater evils are avoided, when countless people, out of obedience, abstain from such books, and are thus kept safe from sin, to which such reading would carelessly lead them. It is not sufficient to leave this matter to the conscience of each individual, who should consider whether such a book will lead him into sin, so that he is obligated not to use it. This danger is scarcely perceived, except late and after sin has already been committed. The nature of many works is unknown before they are read. Hence, everyone trusts too much in his own knowledge and persuades himself that he will not be deceived by any seducer, nor ensnared by any trap. Histories, which recount what is true, and fables, which even

Translated by churchlatin.ai, a product of Boyne Archives

often represent what is probable, provide many examples, by which it is taught how much presumption there is in men before the fact, and how much weakness there is in the fact itself. On the contrary, the prohibition of harmful books brings about salutary and noteworthy effects: one is that the fear of censure deters many from composing and publishing such books, the other is that by hindering their sale, it deters printers from printing them, and booksellers from buying them, so that the unhappy weed gradually becomes rarer and eventually dies out; and writers, printers, and booksellers are encouraged by their own advantage to devote themselves only to profitable works.

[*Latin ed. p. 403*]

XI. They object that, by prohibiting books, and even more so by their very burning, the commonwealth is harmed, and therefore many suffer a great loss of property and reputation; hence, they claim that such commands can only be issued by a secular prince, to whom alone jurisdiction is properly exercised over temporal goods. They add that the Church has only become involved in such matters in recent centuries; for, as Peter Soave states in *Pallavie, Hist. Trid.*, p. 2, book 45, chapter 48, the Church has always condemned bad books, but the prohibition and burning of them have always been ordered by princes, as is evident from the prohibition of the books of Arius by Constantine, of Nestorius by Theodosius, of Porphyry by Justinian, of Eutyches by Valentinian and Martian, of Pelagius by Honorius, and finally, of the Lutherans by Charles V. They assert that the Church only usurped this jurisdiction in the 13th century, at the time when, in the Council of Toulouse, it forbade for the first time the faithful to read the sacred Scriptures.

XII. It is answered: As was sufficiently demonstrated above in Chapters II and III, it particularly pertains to the Church to prohibit books that offend the faith or morals, since it is the Church's primary duty to remove its flock from pastures that are poisonous. We have also demonstrated, from countless examples from the earliest centuries, that the Church has always exercised this jurisdiction in prohibiting and burning books of harmful content, with pious princes witnessing and approving. If, at times, princes have proscribed or burned books that are contrary to the faith or morals, they have done so at the request of the Church, in order to use their power to compel those who are reluctant to submit to the canons of the Church, as Constantine ordered the writings of Arius to be abolished, following the decree of the Council of Nicaea. (Raynaud, *de bon. et mal.*, book 1, part 3, error 466; Barbosa, *de Off. Episc.*, p. 3, appendix 50). Honorius condemned the books of the Pelagians at the urging of the Bishops Zosimus and Boniface, as mentioned above; Theodosius and Valentinian condemned the books of Nestorius and Porphyry, at the request of the Council of Ephesus; Justinian condemned the books of Severus, at the re-

Translated by churchlatin.ai, a product of Boyne Archives

quest of the Fathers of the Council of Constantinople; Basil condemned the writings of Photius at the urging of Pope Adrian, who had previously condemned them, and after they were sent from the East to Rome, they were consigned to the flames; Louis the Pious consigned the book of Claudius of Sorino to the flames, based on the judgment of the bishops; and Saint Louis, King of France, did the same with the Talmudic books, based on the judgment of Innocent IV. Furthermore, all the books that have been condemned by princes were first prohibited by the Church. Thus, the books of the Eutychians, proscribed by Marcian, had already been forbidden by the Council of Chalcedon (in which the Emperor participated). The books of Wycliffe, condemned by King Richard II of England, had already been condemned by Pope Gregory XI. And the same happened with the books of the innovators, proscribed by Charles V. Moreover, even the princes themselves admit that they...

[*Latin ed. p. 404*]

To have the power of the sword to defend the canons of the Church; thus declared King Childebert: "Because it is necessary that the people, who do not observe the precepts of the priest as they ought, be corrected by our authority." Constitution of Childebert in Labbe, vol. 6, Concilia, col. 487. And King Louis VII of the Franks: "Why is it fitting for the majesty of the reigning king to declare himself a servant of God and a defender of the Church?" (Cited in Baluz, in Addit. ad l. 2. de Concord. Petr. de Marca).

"We grant," others object, "that the Church can prohibit books that attack religion, but by what right can the Church arrogate to itself the power to proscribe books that treat of philosophy, or of other subjects?" But Cardinal de Luca wisely responds, saying: "Although the unlearned crowd often restricts this prohibition to books that contain dogmas of the faith, as if those things that concern morals, or piety, or ecclesiastical power or freedom, do not pertain to the faith; this opinion is entirely erroneous, and it stems from ignorance and malice, because these are the seeds, or roots, or preparations for heresies, or schisms." (Theatrum Veritatis et Justitiae, vol. 45, p. 2, d. 49, no. 40).

What we say is confirmed by the Decree issued on March 4, 1755, by Benedict XIV, and addressed to the Bishops of the Kingdom of Poland (see in Bullarium ejusd. Benedicti). Therein, the Pope speaks of a certain book published by Father de Borde of the Oratory in France, in which the author undermines (these are the words of the Decree) the power of the Church, conferred by Christ the Lord, not only to direct, but also to command through laws, and to compel the obstinate by external judgment and penalties, subjecting the ecclesiastical ministry to secular domination, so that he pronounces on all external and sensible governance, declaring that it should be understood and judged. This wicked and pernicious system was long ago condemned by John XXII in the Constitution, Licet juxta

Translated by churchlatin.ai, a product of Boyne Archives

doctrinam, and expressly declared heretical, as testified by Benedict, who again condemns the impious and heretical propositions of the aforementioned author.

III. It is often objected that censures of books are committed by inexperienced, or malicious, and envious men, who either do not know how to judge the things written, or who are hostile to the authors, and therefore, whether the author wrote well or ill, they want to condemn him, as Raynaud says, in de bonis et mal., lib. p. 3, Erot. 3, no. 542, and Louis Muratorius, Buono-Gusto, p. 2, c. 4. And thus, the works of the venerable Bellarmine were prohibited. (Fuligat in Vita Bellarm., c. 44). Thus, also, the writings of St. Thomas were forbidden under the threat of anathema by a Parisian Bishop. (Raynaud, l.c., no. 579). Therefore, it is said that Pope Pius II advised King Charles VII of France in this way, as Launojus reports: "I beseech you, my dearest son, never to believe the doctors of the Apostolic See; attribute much of their pronouncements to their passions." Hence, it is said that to avoid errors and deceptions, it is absolutely necessary that...

[*Latin ed. p. 405*]

Concerning the prohibition of books, the authors, or others acting on their behalf, must be heard; for it concerns a grave matter, namely, the reputation of the author, and the not inconsiderable damage to him resulting from the publication of a book already completed. Therefore, it pertains to the essence of justice that the accused be summoned and heard, according to the prescription of the canons themselves; for in the Clementine Decretal, it is said: "Therefore, can a judgment be considered mature, which, from a judge... is rendered in absentia, without legitimate summons, and consequently, unheard and undefended, but rather a decree proclaimed?" This is likewise repeatedly and more forcefully prescribed by civil laws. Therefore, the Roman Church could not retract what the law of nations, and of emperors, the canons, as well as nature, and even God Himself, have commanded. Nor has the Church acted otherwise; for in the Council of Lateran IV, when the book of Joakim was being considered, which had been written by one who had departed this life, the monks on his behalf were heard. In the Council of Basel, when the book of a certain Augustine was to be condemned, the author was summoned, although he did not subsequently appear. Similarly, in the Council of Trent, since it was impossible to summon each individual author, a general summons was made through the publication of those whose books were being considered, and so it has been acted in similar cases.

XV. We reply: We acknowledge that errors and deceptions can occur in the condemnation of books, as in all other human judgments; but what follows from this? Does it follow that the legitimate authority deserves the least obedience? From this, only this can be deduced, namely, that prudent and expert censors must be chosen; and this is already provided by the

Translated by churchlatin.ai, a product of Boyne Archives

Church. To strengthen this, it is necessary to explain here the proper order by which the Church conducts itself in the prohibition of books. In the early centuries of the Church, it was customary only for the Popes, or councils, or bishops, to prohibit writings that were pernicious; but when heretics arose, and their books were more widely disseminated, it was deemed necessary to meet new evils with new remedies. Therefore, the Church established first the Congregation of the Inquisition, and then the Index, to which it entrusted the examination of books, and the power to prohibit them. First of all, in the year 1204, Innocent III sent Inquisitors against the Albigensian heretics, who were infesting the province of Toulouse, with the power to proceed against them, and to prohibit and condemn their books. This was later confirmed by other Popes for other provinces. Likewise, Alexander IV granted the same to St. Louis for France, and to Pius IV, to Charles V for Spain, and for his other dominions. Philip II also wanted to establish the same tribunal of the Inquisition in our kingdom of Naples, but the Neapolitans, who have always been most devoted to the Roman Church, and steadfast in the Catholic faith, through insistent prayers, and with great effort, obtained an exemption from it, considering it unnecessary and, in a way, injurious to their fidelity.

XVI. Paul III, in the year 1542, in Bull 34, which begins, "Lioet ab initio," established in Rome the General Congregation of the Inquisition, to which...

[*Latin ed. p. 406*]

The care of prohibiting harmful books was entrusted to them; although the condemnation of books is now the responsibility of the Congregation of the Index, which was established later, nevertheless, the Congregation of the Inquisition still holds considerable power, so that more books, whose reading was either permitted or condemned by the Congregation of the Index, have subsequently been condemned or permitted by the Congregation of the Inquisition. Pope Benedict XIV, in the bull *Sollicita ac provida*, issued on July 9, 1743 (see in Bullarium), established canons, or rather, renewed ancient (already established, at least in substance) regulations, concerning the proper management in examining and prohibiting books. First, a book (according to the prescribed procedure) must be delivered to one of the consultants, or qualified examiners, who must examine it, and mark it with their censure, noting any errors. Then, the same book is given to another examiner, with the name of the first examiner suppressed, so that the second examiner may freely express his judgment. If the second examiner agrees with the first, then the book is sent to the individual consultants, so that each may give his vote: but if not, a third examiner is appointed. Afterwards, the book, with its censure and the votes of the consultants, is sent to the Cardinals, so that they may definitively pronounce on the matter in the Congregation. Finally, all the proceedings are reported

Translated by churchlatin.ai, a product of Boyne Archives

to the Pope, whose judgment resolves the matter. Sometimes, the Pope, due to the gravity of the matter, orders that the judgment be held before himself.

XVII. Regarding the Congregation of the Index, it should be known that when the innovators, in the preceding century (the 16th century), filled the West with impious books, and their condemnations could not easily reach the knowledge of the faithful, especially due to wars, it became necessary to draw up an Index of prohibited books. Therefore, Pope Paul IV, in the year 1557, ordered the Inquisitors to draw up this Index, which was then completed and published by his order in 1559. But because this Index lacked a better method, and other declarations, and the names of many other books and authors were desired, Pope Pius IV entrusted the task of drawing up a new Index to the Fathers of the Council of Trent, which was then being held. The Council selected 48 Fathers for this purpose, who completed and presented the work; but because the Fathers were too concerned about the return journey and some had already departed, they submitted the matter to the judgment of the Pope, along with the regulations that had already been drawn up.

XVIII. Therefore, Pope Pius IV, with the help of several most learned prelates, completed the Index, and ordered that it be observed by all the faithful, along with its regulations; and he decreed that if anyone should read or possess a book that had been condemned due to suspicion of a false dogma, he would, by law, incur excommunication, and proceedings would be taken against him as if he were suspected of heresy; but those who read books prohibited for other reasons, besides the guilt of mortal sin, should be severely punished at the discretion of the Bishops; thus, in the bull *Dominici gregis*, of Pope Pius IV, dated March 24, 1564. Then, Philip II, King of Spain, -

[*Latin ed. p. 407*]

In Spain, Naples, etc., on February 15, 1569, an edict was issued (this edict of Philip II is found in Van Espen, part 4, title 22, concerning Congregations of Cardinals, chapter 4, paragraph 34, and in Harceum, in Annals of Belgium, under the year 1560), by which it was commanded that the Roman Index, as it had been publicly promulgated by the Pontiff, should be received and observed in all his kingdoms, and that it should be transmitted to all the King's councils, so that it might be publicly proclaimed throughout the provinces, as was customary; and this was done without contradiction in the Kingdom of Naples.

XIX. Later, when a large number of books of pernicious content were being published everywhere, and the General Congregation of the Inquisition was not sufficient to examine them, Pope Pius V (as asserted by Benedict XIV in the aforementioned bull, *Sollicita*) deemed it expedient to establish a new Congregation in Rome, called the Index, which would

Translated by churchlatin.ai, a product of Boyne Archives

be solely dedicated to this task, in order to cleanse the Church of harmful books; and this was confirmed by Gregory XIII, Sixtus V, and Clement VIII, who, furthermore, in the year 1594, ordered that the aforementioned Index, with many additions and some declarations, should be published again throughout the world; adding another excommunication against those who read the books of heretics, even if those books do not contain error, unless they have been previously approved, and against those who read the books of Catholics suspected of heresy.

XX. It is worth noting briefly the Rules of the Index, so that it may be known how just and necessary they are for the common good:

1. All books condemned before the year 1545 are declared forbidden, even if they are not found listed in the Index.

2. All works by the heads or leaders of heretics are absolutely forbidden; and also all other books of heretics that treat of religion; but other books of heretics may be permitted, provided they have been examined and approved.

3. Scriptures and books of controversy in the vernacular languages are not permitted, and may not be read without permission.

4. Lexicons, Concordances, Indexes, and other similar works, in which there is almost nothing from a heretical author, may be permitted if approved.

5. Books that treat of obscene matters are absolutely prohibited, even if they are not found listed in the Index.

6. Likewise, all books and writings of necromancy, geomancy, hydromancy, pyromancy, homomancy, chiromancy, judicial astrology, and all other things that contain divination, witchcraft, and omens are forbidden; and against these, one may proceed against those who read or possess them, as if they were suspected of heresy.

7. In the printing of Scriptures and other books, the decree in the Council of Lateran, session 40, must be observed, namely, that they must not be printed unless with the permission of superiors. Then, the rules are given for the visitation of libraries and printing houses; also, instructions are given for bishops, booksellers, etc. Finally, it is declared that those who read or possess a book condemned because of suspicion of a false dogma incur excommunication by that very act; but those who read or possess a book condemned for another reason, besides the guilt of mortal sin, will be severely punished by the bishop.

[*Latin ed. p. 408*]

XXI. It is the duty of the Index Congregation, as Benedict XIV frequently declares in the aforementioned bull *Sollicita*, § 4, to summon books for examination, concerning which deliberation must be held regarding their prohibition or permission. In this congregation, several consultants

Translated by churchlatin.ai, a product of Boyne Archives

are present, selected from both the secular and regular clergy, as well as several Cardinals assigned to the congregation by the Pope. Before the censure is brought before the Congregation of Cardinals, another private or preparatory meeting must be held, at which six consultants are present, along with the Master of the Palace and the secretary, whose duty it is to note the opinions of the consultants in writing, so that these, together with the censors' report, may be presented in the Congregation of Cardinals. Furthermore, the aforementioned Benedict XIV, in § 9, has recently decreed that, when a book is being considered, if the author is a Catholic of unimpeachable reputation and name, or if, perhaps, the book itself is being examined, and it is deemed necessary to prohibit it, then the long-standing custom of prohibiting the book, with the clause "Doneo corrigatur," if it can be corrected, should be observed; and the publication of the decree should be suspended, so that the matter may first be communicated to the author, or to someone acting on his behalf. If the author is unwilling to make corrections, or if no one appears on his behalf, the decree shall be issued; but if corrections are made, only the previous copies shall be prohibited. Furthermore, in the following § 10, it is stated that it is not necessary to summon the author to judgment, and therefore, book prohibitions issued without hearing the author are to be strongly disapproved of; nevertheless, it is desirable that this practice be maintained, namely, that when the author is a Catholic of some renown, (whose work, apart from being prohibited, may be beneficial), either the author himself be heard, or one of the consultants be designated, who, by virtue of his office, will defend the work. However, § 11 states that this rule should not be applied when dealing with a heretical book, in which the author deliberately presents errors, or with any other work in which proper moral principles are undermined, and vices are encouraged. Then, it is stated that ambiguous statements by a Catholic and reputable author should be interpreted in a way that favors them. Regarding books in which doctrines harmful to religion or morals are presented, without the author taking responsibility for refuting them (which is called a new form of seduction), it is ordered that the examiners should diligently attend to this, so that such books are either corrected or placed on the Index.

XXII. Finally, in § 22, he strongly condemns books in which dissenting authors... (these are the words of the Pope) try to conceal their convictions, criticize the opinions of others that have not yet been condemned by the Church, and attack their opponents, making them the subject of ridicule: this is indeed a great scandal to the good, and a clear triumph for the heretics, who... cause great pain to Catholics. Although we understand that it is impossible to eliminate all disputes from the world... it has also become clear to us that, at times, discussions can be of great benefit to the Church;

Translated by churchlatin.ai, a product of Boyne Archives

however, there must be limits in defending opinions.

[*Latin ed. p. 409*]

It is our will that opinions be preserved with merit. Furthermore, § 23. It is stated that this had already been prescribed by Innocent XI in a decree, where it was said: "In virtue of holy obedience... it commands that in books... as well as in theses, etc., care be taken to avoid all censure and notes, as well as any objections against those propositions which are still being debated among Catholics, until they have been recognized by the Holy See, and a judgment has been pronounced upon them." Then, Benedict continues: "Therefore, let the license of writers be restrained, who (as St. Augustine said in Book 12 of Confessions, chapter 25, paragraph 34, loving their own opinions, not because they are true, but because they are their own) not only disapprove of the opinions of others, but... also criticize and distort them. Let not private opinions be presented, as if they were certain dogmas of the Church, and let those who oppose them not be made to appear as if they were guilty of error. Regarding this license of writers, the Pope commands that censors of books diligently attend to their duty, and that this censure be submitted to the Congregation of Cardinals, so that they may restrain it with zeal and authority." XXIII. Therefore, beloved reader, observe how carefully and prudently the Mother Church proceeds in the examination and prohibition of such books. Regarding what Raynaud and Muratorius wrote, it is replied that these authors did not speak of legitimate prohibitions, but only of some prohibition made by a certain malicious inquisitor, or censor. Furthermore, Raynaud and Muratorius themselves (Raynaud, *De malis et bonis*, Book, Question 2) confirm the jurisdiction of the Church in the obligation to proscribe harmful books: "It has been discovered," says Muratorius, "that nothing is more pleasing to those who pasture the flock of Christ than... to turn away from their fold all poisons, all wolves. How can pernicious books spread so widely? ... Pernicious, and therefore not to be tolerated, are all those books in which either doctrine is corrupted... or justice is lacking, or charity, or prudence... In all of these matters, the authority of ecclesiastical judges, and especially of the Apostolic See, and of Councils, must have a place... Furthermore, heretics should not be heard, who are angry with ecclesiastical pastors, and who daily speak ill of the use of such a right: for it is hardly equitable that they deny to the Church and to God what they themselves do in their cities for temporary advantages." On the contrary, he strongly reproaches those censors who, eager to criticize the writings of others, easily and often unjustly mark books with errors. However, he protests that he is not speaking of the prohibitions of books that emanate from Rome through the sacred congregations; for with regard to these, he says: "For it is now clear to us that these things should not be attributed to the Most Holy Popes, nor to the highest magistrates of the Church. Only the most holy institutions are

Translated by churchlatin.ai, a product of Boyne Archives

those tribunals to which corrupt books and their authors are brought. They have also been armed with the best laws."

[*Latin ed. p. 410*]

XXIV. In answer to the objections raised above, it is stated that the writings of Bellarmine were, according to tradition, once prohibited. However, the works of St. Thomas, although unjustly condemned by a certain Gallican bishop, are now commended by the Roman Church and everywhere else. If, at times, a book has been condemned without due consideration, this does not absolve the faithful from the obligation of obedience, nor does it reflect on the authority of the Church; for such instances are rare, and it is far more beneficial for the common good that a book be condemned which should not be, than that a harmful book be permitted to circulate. Furthermore, the assertion that Pope Pius II wrote that one should not always believe the Doctors of the Apostolic See is wrongly stated. Indeed, Launoy (who was very hostile to the Roman Church) himself admits, in Epistle 14, page 2, Annotations 18, numbers 537 and 538, that those words are found in only one edition of Basel, published in 1671 by heretics; but in all other editions, both ancient and modern, it is written thus: "We ask only one thing of you, that you not always believe the detractors of the Apostolic See; give much weight to their passions." These words differ greatly from those previously mentioned. Such detractors include Van Espen, Fleury, Dupinus, the aforementioned Launoy, and other similar authors.

XXV. The opponents argue that it is necessary to hear the authors before condemning their works, in order to render a just judgment. We say that this is neither necessary nor expedient, as the Fathers of the Council of Trent already judged against certain bishops who insisted on hearing the authors. In such judgments, it is not a question of the persons of the authors being condemned, but of removing the harm, or the danger of harm, to which the faithful may be subjected by reading those books. Why should the author be summoned when his own writings clearly demonstrate his error? As Louis Muratori states in *De Ingenio Morali*, Book 2, Chapter 5, "Vice, since it does not allow itself to be concealed, and leaves no room for excuse, let judgment be rendered boldly, and let books be prohibited even without hearing the author." Therefore, it is necessary to administer medicine to the Republic. It is by no means necessary, nor is it expedient, to hear the authors when a judgment can be formed from their own writings, which demonstrates that their reading is harmful or at least dangerous to others. Even if the author wrote innocently, and can later explain his writings in a good sense, the Church can and should nevertheless prohibit the book if it judges that its reading will bring harm to the people.

XXVI. What then would the author do if he were to be heard? He would either say that he had spoken in a Catholic sense, or that the work was not his. If the former, it would not help him to avoid the condemnation of the

Translated by churchlatin.ai, a product of Boyne Archives

work if certain propositions are judged to be heretical or offensive, even if he himself is judged innocent. If the latter, this would not prevent the prohibition.

[*Latin ed. p. 411*]

It is permissible, since the author is not to be subjected to condemnation, but only the faithful are to be removed from reading his works; for the prohibition concerns not so much the books themselves, as the faithful whom it is necessary to turn away from reading them. "It is necessary," says Benedict XIV in the cited passage, "Solicita, § 40, "to summon the authors to judgment, not indeed concerning their persons, but in order to safeguard the well-being of the faithful, and to turn them away from the danger which is easily incurred by reading these books. If, indeed, the name of the author should be stained by some ignominy, it will be a consequence, not directly, but indirectly, of the condemnation of the book." Surely, we consider it a very small thing to condemn the books of authors, especially when it must be believed that whatever the author might have been able to grasp for himself... was in no way... unknown... to the judges.

XXVII. But what more need be doubted about this, when it has always been so in the Church? Where the judgment concerns a person, the person must be heard; but when it concerns a book, the book must be considered. Indeed, what objection is there to the author himself being condemned from his own writings, when they are manifestly impious? Berengar was accused by St. Bernard and the Council of Sens for having condemned Peter Abelard unheard; but Natalia Alexander, in Hist. tom. 14, ad Sec. 6, Dis. 5, wisely wrote against Berengar, who, unrepentant, had errors so manifest in the books published by himself? Therefore, it is possible to form a judgment about persons from their writings, and thus the Church's judgment is not made deficient. Martin I and the Fathers of the Lateran Council of 1054 declared: "If the knowledge of the cause is obtained from the testimonies and instruments of men, which determine the condemnation or innocence, the Church may err. But if the matter is of a doctrinal nature, and the knowledge of the cause is obtained from the books of the author, and he is accused of error, he cannot be accused." Furthermore, in the same Lateran Council, Maximus of Aquileia supported Martin, saying: "If it pleases your Beatitude to know about those things which are proposed, by considering what is written against the faith, and which most clearly demonstrate the error without accusing the person, then the accusation is superfluous, since they are condemned from their own reckless writings." Thus, the Lord says: "For by thy words thou shalt be justified, and by thy words thou shalt be condemned." Matthew 12:37. Also, against Theodorus and Origen, there was no accuser present, yet their writings alone were sufficient to condemn them. However, when the writings are ambiguous, it is just to hear the authors before condemning them.

Translated by churchlatin.ai, a product of Boyne Archives

XXVIII. To those who object, it is replied that the matter concerned not the books, but the persons themselves. So it was also with Abbot Joachim and Augu-

[*Latin ed. p. 412*]

They accused not only works, but also persons. And so, those who were brought forward were themselves cited, because the inquiry was not directed towards writings, but towards the persons who were accused of heresy. This citation, however, was issued by an edict from Trent, not in order to legitimize the proscription of the books of heretics, but only to summon the heretics and their authors. That some were indeed sometimes called before their books were condemned does not establish a necessity, but only demonstrates an equity that should be observed in certain cases, as wisely suggested by Benedict XIV in the cited bull *Sollicita*, § 40, where he says: "Nevertheless, it is known that this has often been done by the same congregation, and we hope that it will be observed in the future... that when the case involves a Catholic author of some renown, it may be recognized that his work (after certain passages have been removed)... can be beneficial, or that the author himself, wishing to defend his cause, may be heard, or that one of the consultants may be appointed to take up the defense of the work."

XXIX. Objection IV: It is not sufficient for the value of ecclesiastical law that it be promulgated only in Rome, by affixing it to the walls of the Basilica of St. Peter, or in the Campo di Fiori; but it is required that it be published throughout each province. Hence, some of our countrymen object that the Roman Index is not binding in this kingdom of Naples, because it has not been published, nor accepted. And they assert the same about the bull *Cœna*, by which all who read, sell, or retain books of heretics, containing heresy, or treating of religion, are excommunicated under a papal anathema.

XXX. It is answered that this objection is entirely unfounded in our case; for first, as we said above in n. 48, both Pius IV and Clement VIII ordered and took care that the Index be published throughout the entire world. Secondly, we have that Philip II, by an edict given on February 15, in the year 4569 (This edict of Philip II is found in Van Espen, part 4, title 22, on the Congregation of Cardinals, chapter 4, n. 34), commanded that the Roman Index, as it had been published by Pius IV, be received and observed in all the kingdoms of his dominion, and therefore he ordered that it be sent to all the royal councils, so that it might be promulgated throughout the provinces in the usual manner. And therefore, especially in our kingdom of Naples, it has been executed without contradiction. And when Innocent XII complained to Charles II that certain books prohibited by the Church were being read with impunity in Flanders, Charles wrote about this matter to the Governor (then the Elector of Bavaria), and this Governor sent the

Translated by churchlatin.ai, a product of Boyne Archives

King's letter to the Senate of Brussels, which, on April 13, 4696, replied to the Elector as follows: "Until this time, we have not heard of anyone wishing to defend writings, and books legitimately prohibited. Moreover, we shall gladly give assistance to those of the clergy to whom this is necessary."

[*Latin ed. p. 413*]

It has been. Furthermore, in the Pragmatic Sanction concerning the printing of books; see Rovitus, p. 276, there was a decree that prohibited books should in no way be sold, and that they should be retained. However, concerning the Bull *Cœna Domini*, it is clear from several authors (see Barth. Chioccarelli, *Archivium* ad tom. 4, tit. 2, and Troyla, *Historia Neapolitana*, t. 4, p. 2, c. 4, §. 2, n. 17 and 48) that the objections raised by royal officials against the aforementioned Bull were limited only to certain specific points, which were considered to infringe upon royal jurisdiction; but they did not extend to other matters which caused no detriment to royal rights. Moreover, although those who read books condemned for heresy, or suspected of containing a false dogma, do not incur the excommunication prescribed by the Bull *Cœna Domini*, they cannot escape the excommunication imposed in the Index. Furthermore, the reading of books infected with errors is, by natural law, forbidden to those for whom it could be harmful, as rightly stated by P. Petrus Collet, *Continuator operum Honorati Tournely de præc. decal.*, c. 1, art. 1, sect. 3, punct. 2, §. 2, concl. 2. The reading of heretical books is forbidden by natural law to many, namely, to those for whom it is dangerous; but it is dangerous to many, since few are able to detect the errors of heretics, and fewer still can free themselves from their snares. Therefore, Sylvius rightly said that the uneducated, and those lightly instructed in Theology, such as are almost all those who have studied Theology for only two or three years, can read such books only with grave sin, even if there were no ecclesiastical law. The same was written by Natalis Alexander, l. 4, de Dec., art. 8, Reg. 25: Those who read books without the license granted by the authority of the Apostolic See incur a mortal sin, and excommunication. For this reading is forbidden by the constitutions of the Pontiff, and in many cases, under a sentence of excommunication. Indeed, it is fitting, because, whether by the uneducated, or semi-educated, or even learned men, if they read without necessity, and with the danger of subversion, it is so; and it has been confirmed by unhappy experience that even learned men, but excessively curious, and whose faith is sometimes weaker than that of the simple and uneducated, are often harmed by such reading. He adds: And it cannot be read even with permission, if either there is a danger, or if there is no serious reason for reading. Finally, whatever others may dare to do, it has always been the desire of the faithful to maintain humble and devout obedience to the Church in all things. Charles the Great used to say: "Let us honor the Roman and

Translated by churchlatin.ai, a product of Boyne Archives

Apostolic See, as the priestly Mother of our dignity, so that she should be the Mistress of ecclesiastical reason." Therefore, let us preserve humility with gentleness, so that, although the yoke imposed by that Holy See may be burdensome, we may nevertheless bear it, and tolerate it with pious devotion. See in Concil. Tribur., Can. 30.

[*Latin ed. p. 414*]

CHAPTER V. Certain doubts concerning practice are resolved.

I. It is asked: 1. Whether those who are morally certain that there is no danger of corruption may read prohibited books without permission? Some, along with Caramuel (a notorious advocate of laxity), have considered it probable that they may, arguing that when the adequate end of the law ceases, the law of prohibition also ceases. However, with the most common opinion (held by Castrop. de fide d. 2. p. 10. §. 2. n. 9, along with Suar., Tolet., Sanch., and Tambur. in Dec. l. 2. c. 4. §. 7. n. 41), this must be entirely denied; firstly, because even if it were probable that the law ceases when its adequate end ceases, in a particular case, another, more common and probable opinion is opposed to this, namely that when the end of damage in a particular case ceases, the end of the law in general does not cease, which is to avoid the danger of delusion. Although that opinion is held by many as probable, namely Soto, Cajet., Sylv., Valent., Carden., etc.; nevertheless, concerning the reading of condemned books, it is probable to me that the danger never entirely ceases, or at least that the end of the prohibition never adequately ceases, neither in general nor in particular; for the end of the prohibition is not only to avoid damage to consciences from the reading of wicked books, but also to preserve the due obedience to the Church, especially in a matter so dangerous; and furthermore, the end is to prevent heretics, or other wicked writers, from obtaining harmful publications through the press.

II. Therefore, in no way should anyone be permitted to read condemned books, even if he believes that there is no danger to himself. As we noted above, the Council of Carthage IV permitted Bishops to read the books of heretics for necessity and for a time. Furthermore, it does not seem improbable that several Doctors teach, as Holzm. Theol. Moral. p. 177. n. 77. states; and as Elbel t. 2. p. 439. n. 99, along with Mayr., Laym., and Dicast. apud La Croix l. 7. n. 343, state; namely, that a pious and learned man may be excused by just pretense for reading a heretical book, if he is necessarily in need of such reading to refute a heretic, for example, to find contradictions, concessions, fallacies, and the like; provided, I say, that necessity compels him, and furthermore, that there is no recourse to Rome, or to his own Bishop, for although it is ordinarily obtained from the Pope, or from the Roman Congregations of the Holy Inquisition, or of the Index, a license to read prohibited books, nevertheless, in a case of great necessity, the Bishop may grant it. Viva Mor. Theol. de Cens. quæst. 5. a. 4. n. 10.

Translated by churchlatin.ai, a product of Boyne Archives

III. It is asked: 2. What is required in order to incur excommunication?

[*Latin ed. p. 415*]

What is required to condemn someone for reading, retaining, printing, or defending books of heretics?

I. It is required that the author be a heretic, or at least, as Holzin states in volume 1, page 198, paragraph 78, that the book, even if the author is unknown, explicitly treats of heresy. However, those who read books of infidels are not subject to censure, even if they contain heresy. Thus, Suarez, d. 20, section 2, paragraphs 12, and Salm, de cens., d. 4, paragraph 71, with Sanchez, Pal., etc. The books of the Talmud and similar works of the Hebrews are prohibited by the bulls of Pius IV and Clement VIII. See Typut La Croix, book 7, paragraph 333.

II. It is required that such books of heretics be read or retained knowingly. Therefore, those who read from them are excused from censure not only by invincible ignorance, but even by gross ignorance; indeed, according to many, including Sanchez, Sylv., Bon., Rohe, Salm, etc. (see book 7, paragraphs 47 and 48), even by affected ignorance, because, strictly speaking, there is lacking in such cases the formal malice that induces true contempt for the censure.

III. It is required that the book either treat of religion or contain heresy. However, it is sufficient that the book treat of religion, even if it does not contain error, such as in matters of Holy Scripture, or theology, or the canons, rites, or other spiritual matters of the Church. Thus, Sanchez, Dec., book 8, chapter 10, paragraph 21; Laym, book 2, treatise 1, chapter 5, paragraph 3; Suarez, as above, paragraph 16; Salm, chapter 4, paragraph 72, and others. It is also sufficient that the book contain even a single error against the faith, even if it deals with another subject. Sanchez, Bonac., Castrop., and Salm. (see book 7, number 287).

What if the error has been erased from the book? Many Doctors, including Suarez, Sanchez, Bon., and others, maintain that it remains prohibited, because that particular excision does not remove the general proscription of the book. But others, such as Pignatelli and La Croix, book 7, paragraph 33, say that one is excused from censure if he reads the rest of the book, because then the book no longer contains heresy, nor can it be offensive. This seems probable, as Sporer, de Fide, volume 1, page 123, paragraph 40, always states, unless the book treats of religion, but of another matter, for example, philosophy or history: except for the books of the Magdeburg Centurists and similar works, in which religion is truly discussed.

IV. It is required that the reading be in a notable matter, for commonly the Doctors admit that there can be a small amount of matter in this regard; however, they disagree on what constitutes a small amount of matter. Some, that is, Sanchez, chapter 10, paragraph 31, with Sa, Manuel, and Vivald,

Translated by churchlatin.ai, a product of Boyne Archives

say that a page is sufficient, and even more so if the volume is large. But this opinion is rejected by others. Others, namely Grafius and Reginald, apud Bonde, d. 1, question 2, point 4, paragraph 14, say that only three or four lines are sufficient. Others (Suarez, paragraph 20; Palaus, Tract. 4, d. 2, point 10, 8, 2, paragraph 6, with Azor, Con., and Sayr) say that ten lines are sufficient. Finally, others (Holzin, page 176, paragraph 77, v.; Sporer, volume 1, page 124, paragraph 44; Elbel, volume 1, page 297, paragraph 443; and La Croix, book 6, paragraph 330, with Marchant) make a better distinction, and say, in this regard, that one must at-

[*Latin ed. p. 416*]

The prohibition should have a defined end: for if, by opening a book, you are offended by doctrine that is directly contrary to the faith, and to the law, even if you read only a few lines, you will not escape excommunication, because you are then exposing yourself to the danger of perversion; otherwise, if the book deals with a matter indifferent, even if you read up to a page, you may be excused from a mortal sin, provided that you do not notice any proposition there that is suspect of error. Furthermore, censure may be incurred by reading only the preface or the index of a book, if a considerable portion is read through. Laym. Bon. ll. cc. etc. VII. Dubitatur 1. Does one incur excommunication by reading a heretical sermon or a letter published separately? Some affirm, Suar. Farinac. apud Salm. c. 4. n. 72, but others deny, Sanch. Dec. l. 3. c. 10. n. 30. Holzm. p. 77. n. 77. v. Dic. 6. with Laym. Marchant. etc. Salm. in the cited passage, and Bonac. Castrop. and Lugo apud Croix l. 7. n. 337. The reason is that such a sermon or letter cannot be called a book; and in this matter, a strict interpretation must be made, especially when it concerns something odious, such as the penalty to be incurred. VIII. Dubitatur 2. Do those who read the manuscripts of heretics incur censure? Azor, Viva, Spor. and others with Sylvio deny; Sylvio furthermore cites a certain declaration of the Holy See in support of this opinion, Azor, Barbos. etc. apud Croix l. 7. n. 339. Viva ad prop. 46. Al. VII. n. 40. Spor. p. 123. n. 39. However, Holzm. t. 4. p. 77. Croix in the cited passage, with Suar. Sanch. etc., constantly affirm that manuscripts still fall under the name of books, just as they were formerly called books, even before the invention of the printing press; and even now, manuscripts, where baptisms and marriages are recorded, are still called books by the Ritual and by everyone. Regarding the aforementioned declaration of the Holy See, they reply that it does not sufficiently prove the point. I believe that this opinion should be followed entirely, because in this matter, it is advisable to follow the stricter opinions; furthermore, the reasons given above do not seem to be sufficiently convincing; for today, the name ”books” properly refers to books, not manuscripts. However, it must be especially noted that, according to the prescriptions in the Roman Index (Rule 40, towards the end), one incurs excommunication by the very

Translated by churchlatin.ai, a product of Boyne Archives

act of reading books of heretics, or writings of any author, which have been condemned and prohibited for heresy, or for suspicion of a false dogma, whether one possesses them or not. IX. Dubitatur 3. Does one incur excommunication by hearing another person read a heretical book? Some affirm, Laym. Azor, etc., but it is more common and probable that others deny, provided that the other person is not induced to read. Spor. t. 4. p. 124. n. 43. and Croix l. 7. n. 342. with Sylv. Pignatel. Sayr. etc. Indeed, others, Sanch. Dec. lib. 2. c. 10. n. 48. Castr. Disp. 2. p. 40. §. 2. n. 4. with Coninch. and Bonac. Disp. 4. qu. 2. p. 4. n. 44. with Nav. Reg. etc., more probably excuse, even if the other person is induced to read; and others, Sporer, Sousa, and Steph. apud La Croix in the cited passage, also...

[*Latin ed. p. 417*]

They are considered to be still infected with sin, if, upon hearing [heretical ideas], they do not fear any moral danger of corruption from that hearing. X. It must also be noted that Catholic books which recount the words of heretics in order to refute them are not prohibited, as all commonly teach. Layman, loc. cit. with Navarrus and Sanchez, and Azor, Pignatelli, and Bonaventure, apud Croia, book 7, no. 335; nor are Catholic books in which notes or commentaries on the writings of a heretic are present, provided (wisely, say Suarez, Pignatelli, etc.) that such notes are not so numerous as to make the book consist more of them than of the Author's writings. Suarez, Pignatelli, etc., apud Croia, book 7, no. 334. Nor are the books of heretics which treat of matters other than spiritual ones, as we have said, but without any error; for (as we said above, no. V), although only a single error may be present, there is still a danger inherent in the book; whatever anyone may say, the book is truly to be condemned. XI. Excommunication is incurred not only by those who read prohibited books as mentioned above, but also by those who retain them. Therefore, whoever possesses such books is bound, according to the decree of Pius IV, to deliver them first of all to the inquisitors or to the Bishops. And speaking of kingdoms where the Inquisition is in force, Suarez, with others (Barbieri, *Decreta*, apud Croia, book 7, no. 355), holds that one incurs censure even if he burns the book he does not deliver. But commonly, others excuse him (Salmanticensis, chapter 4, no. 74, and Croia, ibid., with Sanchez, Pignatelli, and Filiucius), because (they say) he who destroys the book can no longer be said to retain it. Furthermore, he is not excused from censure who retains a book even in the name of another, for example, in deposit, loan, or pledge, nor he who delivers his own book to another to hold, because, since he retains the right of ownership, he is also said to retain it, since he can reclaim it at his own discretion, as the Doctors commonly hold. Suarez, part 20, section 2, no. 21; Sanchez, no. 52; Castropalus, page 40, § 2, no. 7; Roncaglia, page 90, question 2, response 4; Salmanticensis, no. 74; Croia, no. 347; Bonaventure, page 4, no. 45, etc. Furthermore, the following proposi-

Translated by churchlatin.ai, a product of Boyne Archives

tion 45, condemned by Alexander VII, should be noted: "Prohibited books, until they are purged, can be retained, etc." However, La Croia, book 6, no. 352, with Verjuys, excuses him who delivers a book to be retained in sequestered places, which are usually assigned in each monastery. Moreover, if someone were to deposit a book with one who has a license, with an express agreement not to reclaim it (so that the other is not obliged to return it), unless after purification, or after obtaining a license, I would not dare to condemn him, because in this case, it seems that the danger of reading without dispensation completely ceases; much less would I condemn him if he were to absolutely give the book to one who has a license, on the condition that he return it to the giver if he subsequently obtains a license. He is also excused from censure if he retains a book for a short time, for example, for one or two days, as the Doctors commonly teach. Layman, no. 7; Bonaventure, no. 45; Castropalus, no. 40; Holzmüller, no. 77, with Sanchez, Sayr, etc.

[*Latin ed. p. 418*]

And others admit this, Castrop. in loc., and Viva, quaest. 5, a. 4, no. 9 (regarding one who is excused from censure), even if he intends to retain the book permanently for a short time; because, as they say, there is not sufficient grave matter concerning the external action. Furthermore, others, Sanch. Decr. l. 2, c. 40, no. 55; Layman, c. 45, no. 7, with Sayr. and Graff. and Pignat, and Sylv. apud Croix, lib. 7, no. 351, excuse [the action], even if it were prolonged, provided that he is waiting for an opportune time, to hand the book over to the superior, or to one who has a license [to receive it].

[*Latin ed. p. 419*]

A LIST OF QUESTIONS which the Author, after the first Neapolitan edition of the work, revised, having reduced the matters to a more diligent examination. In each of these questions, first is noted the location in the first edition, and then the location in the second edition, where the correction was made (1).

Q UESTION 1. Whether a legate can compensate for a legacy left in a non-solemn will? In the first book (col. 13, line 3, "Probable etiam"), the opinions of Lessius, Molinet, Granado, Salm, etc., are cited, who considered this to be probable. But in this present book, it is refuted. See book 1, section 35, line "Altamen" (In the Mechlin edition, book 1, chapter, note).

Q UESTION 2. Whether a debtor, giving something to his creditor without mentioning the debt, is excused from restitution? In the first book (col. 13, line "Hinc l."), the opinions of Rebelli, Cardinal, and Diana are cited, who considered the affirmative opinion to be probable. But see the limitation in this book 1, section 34, and book 3, section 700, line. Question 2 (In the Mechlin edition, book 4, section 700, "Limitatio," which, according to the Roman edition of 1757, is: "provided that the debtor did not mention

Translated by churchlatin.ai, a product of Boyne Archives

the debt at that time").

Q UESTION 3. Whether a thief who sends an item to his lord through a faithful person is obligated to restore it again, if he does not return it? In the first book (col. 14, line "Ul. Similiter"), Palatinus, Solanus, Ledesma, and Gabriel are cited, who denied this. But in this, it is proven to be absolutely affirmed. See book 1, section 39 (In the Mechlin edition, book 4, section 704).

Q UESTION 4. Whether there is an obligation to extend alms to the poor from surplus funds, for the benefit of those laboring in common poverty? In the first book (col. 80, letter A), the opinions of Soti, Navarret, St. Antoninus, Vasquez, etc., are cited, who denied this. But in this, a better opposing opinion is considered. See book 2, section 32, line. Question (In the Mechlin edition, book 3, section 32).

Q UESTION 5. Whether there is an obligation to correct a sinner from ignorance of the human law? In the first book (col. 83, letter A, line. Question here), a more probable negative opinion was seen. But in this, a more probable affirmative opinion is considered. See book 2, section 36 (In the Mechlin edition, book 3, section 36).

Q UESTION 6. Whether he who incites, either directly or indirectly, another to sin... (1) This also differs greatly from the subsequent editions of this Theology in the order of matters; for which reason, the reader should not be surprised that the numbers given from the second edition do not always agree with the present Mechlin edition, and where this causes confusion, it is better to enclose the difference within parentheses, as often as possible. Edition.

[*Latin ed. p. 420*]

It must be considered whether one always sins by causing scandal. In the first book (column 85, line A), it is stated that, according to Paley, Sanchez, Bona, Azor, etc., it is probable that one does not sin against charity, unless one expressly intends the spiritual ruin of another. However, in this work, the affirmative opinion is deemed to be the correct one. See book 2, section 45 (in the Mechlin edition, book 3, section 45).

Question 7: Must the circumstance that induced one to sin always be explained in confession? In the first book (column 86, note), the negative opinion was rejected. However, in this work, see what is stated in book 2, section 46 (in the Mechlin edition, book 3, section 46).

Question 8: Is it a mortal sin to ask someone for something that they will not provide without committing a mortal sin, if that person is already prepared to sin? In the first book (column 86, question II), the opinions of Soto, Suarez, and Azor are mentioned, who denied this. However, in this work, it is stated that the opposite should be followed. See book 2, section 47 (in the Mechlin edition, book 3, section 47).

Translated by churchlatin.ai, a product of Boyne Archives

Question 9: Do women sin gravely by exposing the ornamented part of their chest? In the first book (column 89, line C, and column 250, at the end), the doctrine of Layman, Cajetan, Navarrus, Salmantinus, etc., was followed on this point. However, see how it is limited in this work. See book 2, section 55, question (in the Mechlin edition, book 3, section 55).

Question 10: Is it permissible for a servant to accompany his master to a brothel, or to carry him in a carriage or litter? In the first book (column 94, line B), the opinions of Busembai, Navarrus, Manuel, etc., are mentioned, who said that it is permissible solely because of the servitude. However, in this work, it is required that there be at least a grave reason for the risk of harm. See book 2, section 64 (in the Mechlin edition, book 3, section 64).

Question 11: Is it permissible for a servant, by reason of his servitude, to deliver gifts to a prostitute for his master? In the first book (column 94, at the end, question 2), the opinions of Busembai and Sanchez are mentioned, who permitted this, if it is of food and drink. However, in this work, it is denied. See book 2, section 65 (in the Mechlin edition, book 3, section 65).

Question 12: Is it permissible for a servant to carry his master on his shoulders, or to carry a ladder for him to ascend to commit fornication, or to force open a door? In the first book (column 95, question 4), this was entirely denied. However, in this work, see what is stated in book 2, section 66, question IV (in the Mechlin edition, book 3, section 66).

Question 13: Is it permissible to sell wine to someone who sells it mixed with water? In the first book (column 69, line C, likewise), the affirmative opinion of Paley, Sanchez, and Tamburrini is presented, if it cannot be sold equally well to others. However, in this work, this is not admitted, unless it is out of fear of death or infamy. See book 2, section 69, question VII (in the Mechlin edition, book 3, section 69).

Question 14: Is it permissible to sell ornaments to a girl who will abuse them? In the first book (column 96, line D, likewise), the opinion of La Croix is mentioned, citing Navarrus, Azor, Sanchez, Bona, etc., who say that it is permissible, if she would also buy them from others. However, in this work, this is not admitted, unless the seller suffers notable harm.

[*Latin ed. p. 421*]

Concerning accommodation. See book 2, section 71, volume. Regarding the same matter. (In the Mechlin edition, book 3, section 71). Question 45. Is it permissible for carters and sailors, solely for the sake of their wages, to transport a prostitute to an inn? In the first book (page 98, line 8), it is stated that it is permissible, following the opinions of Salm, Sanch, Azor, Navar, etc. But in this instance, it is not permitted unless out of fear of a grave loss. See book 2, section 75, volume. Regarding the question. (In the Mechlin edition, book 3, section 75). Question 16. Is it a mortal sin to request a loan from a usurer without a grave reason, or to receive the

Translated by churchlatin.ai, a product of Boyne Archives

sacraments from a sinful priest who is prepared to administer them? In the first book (page 97, section 4, line; and section 7, line), the opinion of Lugon, Soti, Sanch, Cajetan, Led, Man, etc., who deny this, is presented. But in this instance, it is stated that it is a mortal sin, both against charity and against justice, unless a grave reason of necessity or utility intervenes. See book 2, sections 47 and 77, line 4. It is permissible, speaking of the usurer; and section 79, regarding the sinful priest. (In the Mechlin edition, book 3, sections 47, 77, and 79). Question 17. Is it permissible for one who intends to break his fast to provide food without a grave reason of inconvenience? In the first book (page 97, section 7, line), the opinions of Lessius, Cajetan, Navar, and Vasquez, who affirm this, are presented. But in this instance, it is rejected. See book 2, section 80. (In the Mechlin edition, book 3, section 80). Question 18. In matters concerning simony and usury, can a monetary obligation be included in a contract? In the first book (page 418, letter A, at the end), it is stated, following the opinions of Salmant, Valen, Cajetan, Pal, Lessius, etc., that it is permissible, if the contract is for remuneration in general, without any new obligation being added. But this is entirely rejected. See book 3, sections 53 and 764. (In the Mechlin edition, book 4, sections 53 and 764). Question 19. Is an execratory oath a true oath? In the first book (page 146, letter A, line), it is stated, following the opinions of Salm, Busenbaum, Sanch, Pal, etc., that it is commonly denied. But in this instance, it is affirmed, if God is expressly named in the oath. See book 3, section 143. (In the Mechlin edition, book 4, section 143). Question 20. In an assertive oath, is it a mortal sin to swear with a lack of justice? In the first book (page 448, letter A), it is stated that it is more likely to be a venial sin. But in this instance, it is added that it is a mortal sin if one swears in order to strengthen a detraction. See book 3, section 146. (In the Mechlin edition, book 4, section 146). Question 21. Can a pilgrim be dispensed from vows, oaths, and laws by the local Bishop where he is found? In the first book (page 758, letter E, line), it is entirely denied. But see here book 4, section 458. Question 22. Can a husband kill the one who intends to commit adultery with his wife? In the first book (page 239, line), it is absolutely denied. But in this instance, it is not rejected, if the man kills the adulterer before the act, so that the adultery does not occur; see book 3, section 394, line. (In the Mechlin edition, book 4, section 394).

[*Latin ed. p. 422*]

Q. 23. Do spectators who attend a scandalous comedy, paying with money or by arrangement, commit a grave sin? In the first book (col. 251, line: "Quaer. 2"), it is stated that it is probable that secondary spectators do not sin, provided that the comedy would be performed even without them. However, here, the opposite is considered. See book 3, no. 427, line: "Num autem." (In the Mechlin edition, book 4, no. 427).

Q. 24. Is a beneficiary obligated to make restitution if he spends the su-

Translated by churchlatin.ai, a product of Boyne Archives

perfluous fruits of the benefice on his sustenance in a profitable manner? In the first book (col. 270, line: "Utrum autem"), it was considered probable, following St. Thomas, Soto, Lugo, Palencia, and Lessius, that the opinion was negative. However, here, it is considered probable that the opposite is true, all things being equal. See book 3, no. 492. (In the Mechlin edition, book 4, no. 492).

Q. 25. Is a usufructuary obligated to make restitution if, by doing so, he incurs a greater loss, namely, if the thing cannot be returned to the owner without expenses greater than the value of the thing itself? In the first book (col. 295, letter B), the opinions of Salmeron, Soto, Lessius, Palencia, Cohor, and Buscher are cited, supporting this position. However, here, the opposite is held to be true, unless the expenses are far greater. See book 3, nos. 598, 697, and 753. (In the Mechlin edition, book 4, no. 598).

Q. 26. Is a person who receives a thing from a thief, and mixes the stolen item with his own, obligated to make restitution? In the first book (cols. 299, letter B), the opinion of Tanquereau, along with Sanchez and others, is cited, which is negative. However, here, this opinion is rejected. See book 3, no. 842. (In the Mechlin edition, book 4, no. 642).

Q. 27. Can a beneficiary be excused from restitution if he neglects his duty for one day, but makes up for it on another day? In the first book (cols. 310, at the end, Q. 5), the opinions of Salmeron, Molfessis, Paludanus, Bohemius, etc., are cited, which are affirmative. However, here, the negative opinion is held to be true. See book 3, no. 667. (In the Mechlin edition, book 4, no. 667).

Q. 28. Is a beneficiary obligated to make restitution if he neglects a portion of his duty that is less than a full hour? In the first book (col. 314, Q. 5), the opinions of Navarret, Tollet, and Vivd are cited, which are negative. However, here, the opposite opinion is considered more accurate. See book 3, no. 668. (In the Mechlin edition, book 4, no. 668).

Q. 29. Is a simple beneficiary obligated to make restitution for all the fruits of the benefice if he neglects his duty? In the first book (col. 312, Q. 10, line: "Quaer."), the opinions of Henry Meilnet and Manuells are cited, who state that he is only obligated to make restitution for one-third of the fruits. However, here, this opinion is rejected. See book 3, no. 673, line: "Quaer." (In the Mechlin edition, book 4, no. 673).

Q. 30. Is it permissible to accept a gift from a donor who is gravely burdened? In the first book (col. 327, letter B), the opinions of Lessius, Molin, Navarret, Laym, etc., are cited, which are affirmative. However, here, this opinion is refuted. See book 3, no. 722. (In the Mechlin edition, book 4, no. 722).

(1) Compare with the following excerpt from recent retractions, Quer, X, where St. Anton repeats the same question 24, reforming it again to some

Translated by churchlatin.ai, a product of Boyne Archives

extent. (Mechlin edition).

[*Latin ed. p. 423*]

Q. 34. Is it necessary, in a loan agreement, to demand interest, in order to remind the borrower of the just title that already exists? In the first book (col. 343, line E, clause "Sed dubitatur"), the negative opinion of Lessius, Lugard, Bona, Trullius, etc., is presented. However, in this instance, the affirmative opinion appears more sound. See book 3, section 769, clause "Sed dubitatur" (In the Mechlin edition, book 4, section 769).

Q. 32. Can a lender retain the profit received, if a just title is present, but the borrower was not informed of it, and the lender acted in good faith? In the first book (col. 394, Q. 111), the affirmative opinion (although considered less probable) of Lugard, Dian, Sa, and Tannerius is presented. However, this is refuted in this instance. See book 3, section 773 (In the Mechlin edition, book 4, section 773).

Q. 33. Is it permissible to sell valuable goods at a high price? In the first book (col. 355, line D), the affirmative opinion of Soto, Toldeo, Dian, Tannerius, Vallius, Regius, etc., is presented. However, in this instance, the contrary opinion appears more probable. See book 3, section 808 (In the Mechlin edition, book 4, section 808).

Q. 34. If merchants have unjustly created a monopoly, is it permissible for others to sell the same goods at the same price? In the first book (col. 357, line G, clause "Sed hinc"), the affirmative opinion of Salmeron, Bona, Trullius, Regius, Medelius, etc., is presented. However, in this instance, the negative opinion is clearly superior. See book 3, section 847, clause "Sed hic" (In the Mechlin edition, book 4, section 847).

Q. 35. Is it permissible to purchase an item at a very low price from someone who is unaware of its value? In the first book (col. 357, line H, clause "Idem"), the negative opinion is accepted. However, in this instance, the opposite is defended. See book 3, section 849, clause "Item" (In the Mechlin edition, book 4, section 849).

Q. 36. Is it permissible for a cleric to lease land belonging to others in order to graze his own animals, so that he may later sell them? In the first book (col. 364, clause "Quos-res"), it is stated that this is permissible, provided that the lease does not cause a significant distraction from the sacred ministry. However, in this instance, this is not admitted, because it is not free from the desire for dishonest gain. See book 3, section 835, clause "An verò" (In the Mechlin edition, book 4, section 835).

Q. 37. If a thing is considered lost, does the right to collect dues from it cease by natural law? In the first book (col. 366, clause "Qu. 3"), a probable negative opinion is presented, along with that of Soto, Palearius, Salmeron, Covarrubias, etc. However, in this instance, we hold the affirmative opinion to be entirely correct. See book 3, section 847, clause "Dub. 3" (In the

Translated by churchlatin.ai, a product of Boyne Archives

Mechlin edition, book 4, section 847).

Q. 38. Can someone who compels another to gamble retain the profit obtained? In the first book (col. 375, line D), the negative opinion is presented. However, in this instance, the affirmative opinion appears more probable, provided that the one who compels does not surpass the compelled person in skill at gambling. See book 3, section 880 (In the Mechlin edition, book 4, section 880).

Q. 39. Is there a serious obligation to return one's own property to one's brothers and sisters? In the first book (col. 398, line A), the opinion of Salmeron, Navarrius, etc., is presented, who state that there is no such obligation, unless they are in extreme need. However, in this instance...

[*Latin ed. p. 424*]

We have stated that it is certainly sinful to relinquish goods to outsiders, if brothers are in serious need. See book 3, paragraph 946. (In the Mechlin edition, book 4, paragraph 946.)

Question 40. Is it permissible to reveal another's crime in order to avoid one's own damage, if the knowledge of the crime was obtained by force or deceit? In the first book (page 407, letter A, line "Sed hic"), a probable affirmative opinion is given, along with Salm, Lessio, and P. Navar. However, in this work, the opposite opinion is considered better. See book 3, paragraph 969, line "Sed hic magna." (In the Mechlin edition, book 4, paragraph 969.)

Question 41. Is one who has inflicted a hidden insult on another obligated to make amends? In the first book (page 440, line "Sed Quær. 4"), the negative opinion of Laym and Molina is presented. However, in this work, we have stated that the affirmative opinion should certainly be followed. See book 3, paragraph 985. (In the Mechlin edition, book 4, paragraph 985.)

Question 42. Do small amounts of food taken for enjoyment invalidate a chosen fast? In the first book (page 419, letter F), a negative opinion is presented, along with Salm, Sylv., etc., Abb. However, in this work, it is stated that the opposite opinion should certainly be held. See book 3, paragraph 1049. Question II. (In the Mechlin edition, book 4, paragraph 1049.)

Question 43. Can chocolate be consumed as many times as one wishes in a day? In the first book (page 425, line "Orandum"), a probable affirmative opinion of Father Viva is given, if it is taken as a usual drink. However, in this work, such a drink is not permitted, except for only one cup per day, due to custom. See book 3, paragraph 1023, line "Secunda in fine." (In the Mechlin edition, book 4, paragraph 1023.)

Question 44. Does a religious person who spends, with general permission from the prelate, on illicit things, sin against poverty, and is obligated to make restitution? In the first book (page 450, letter E, line "II. Quæstio"), a not improbable negative opinion is presented, along with de Alex.,

Translated by churchlatin.ai, a product of Boyne Archives

Suar., Bann., Lugo, etc. However, in this work, the affirmative opinion is embraced. See book 4, paragraph 31, and book 3, paragraph 873. (In the Mechlin edition, book 5, paragraph 31, and book 4, paragraph 873.)

Question 45. Should a patron present more worthy candidates for a benefice? In the first book (page 469, letter A, Question 2), a probable negative opinion is presented, along with Palao, Garcia, P. Navar., Rodr., etc. However, in this work, it is stated that the affirmative opinion should certainly be held. See book 4, paragraph 97. (In the Mechlin edition, book 5, paragraph 97.)

Question 46. Does a bishop who confers a benefice on a less worthy person sin mortally? In the first book (page 294, Question 2), negative opinions are presented, along with Navar., Sa, Soto, Dicast, Gutt., Diana, etc. However, in this work, the affirmative opinion is considered more probable. See book 4, paragraph 93. (In the Mechlin edition, book 5, paragraph 93.)

Question 47. Is a bishop who confers a benefice on a less worthy person obligated to make restitution? In the first book (page 292, line "Magis"), a probable negative opinion of Navar., Henr., Led., etc. was considered. However, in this work, the opposite opinion is embraced. See book 4, paragraph 409. (In the Mechlin edition, book 5, paragraph 409.)

[*Latin ed. p. 425*]

Q. 48. Does one gravely sin, and is one bound to restitution, who receives a benefice under a condition, or with a doubtful mind, regarding the acceptance of the priesthood within a year? In the first book (col. 471, line A), the negative opinion of Navarrus, Barbatus, Garcia, etc., is presented. Also, the opinion of Salmanticensus is cited, who admits it only if the mind is conditioned. However, the opposite opinion is considered better, whether the mind is doubtful or conditioned. See book 4, paragraph 114 (In the Mechlin edition, book 5, paragraph 114).

Q. 49. Is the plurality of benefices forbidden not only by canonical law, but also by natural law? In the first book (col. 473, line A), a probable negative opinion is cited, along with Lugo, Innocentius, Fillong, Valentinus, etc., but here we state that the affirmative opinion is to be held, unless a pontifical dispensation and a just cause are present. See book 4, paragraph 117 (In the Mechlin edition, book 5, paragraph 117).

Q. 50. Is it permissible without grave sin to exchange a divine office for another that is notably shorter? In the first book (col. 494, line A), a probable affirmative opinion is cited, except for the office of Palms with the office of Easter or Pentecost, as held by Sylvester, Salmanticensus, Villalobos, Diana, etc. But here, it is not admitted as probable. See book 4, paragraph 161, see also Question III (In the Mechlin edition, book 5, paragraph 161).

Q. 51. Is it permissible to recite Matins twice after midday? In the first book (col. 496, line D), a probable affirmative opinion is cited, along with

Translated by churchlatin.ai, a product of Boyne Archives

Salamanca, Sanchez, Tumba, Molfes, Ledo, etc. But here, the opposite opinion is held to be true. See book 4, paragraph 174 (In the Mechlin edition, book 5, paragraph 174).

Q. 52. Are sins multiplied by the diversity of total objects, namely, if one kills four people at once? In the first book (col. 564, see "An autem"), a probable negative opinion is cited, along with Suarez, Lugo, Busenbaum, Viva, etc. But here, the opposite is embraced. See book 5, paragraph 45 (In the Mechlin edition, book 2, paragraph 45).

Q. 53. Does a confessor commit a mortal sin by successively absolving several penitents for the same sin? (col. 563, see "II. Quoad actus.") A probable affirmative opinion is cited, along with Salmanticensus, Lugo, Viva, Sporer, etc. But here, it is rejected. See book 5, paragraph 50, see also Question 6 (In the Mechlin edition, book 2, paragraph 50).

Q. 54. Can one, without causing infamy, dissolve a friendship by revealing the other's natural defects, in order to take the place of the one who has been expelled? In the first book (col. 576, line A), the affirmative opinion of Salamanca, Soti, Bonacich, Aragona, Prado, etc., is presented. But here, the opposite is embraced. See book 5, paragraph 72, see also "An citra" (In the Mechlin edition, book 2, paragraph 72).

Q. 55. Is it permissible to become intoxicated by the advice of doctors, if the intoxication is deemed necessary to expel a disease? In the first book (col. 577, see "2. Non est"), the affirmative opinion of Busenbaum, Sylvester, Cajetan is presented.

[*Latin ed. p. 426*]

Lessii, Salm., etc. But observe how this is limited. L. 5, n. 76. Q. I. (In the Mechlin edition, l. 2, n. 76.) Q. 56. Is it permissible to become intoxicated in order to avoid death, which another threatens? In the first book (p. 578, lit. C.), the opinion of Lessii, Laym., Bonae, Bus., etc., which affirms this, is presented as probable. But here, the negative opinion is adopted. See l. 5, n. 76. Q. II. (In the Mechlin edition, l. 2, n. 76.) Q. 57. Does it suffice if one confesses during a fit of illness? In the first book (p. 210, Question 2), the opinions of Paldi, Hurtadi, La Croix, Pichler, Gobat, etc., are presented, stating that it does, provided that one attends Mass in some way. But see l. 3, n. 314. (In the Mechlin edition, l. 4, n. 314.) Q. 58. Is it permissible to receive something for sustenance from a monastery that is wealthy? In the first book (p. 430, "Sed quæritur"), the opinions of Salm., Nav., Tol., Pal., Sanch., Bon., Sot., etc., are presented, stating that it is. But here, the opposite is adopted. See l. 3, n. 92, second part. (In the Mechlin edition, l. 4, n. 92.) Q. 59. In the sacrament of Baptism, is water to be poured, or is it said: "I baptize you"? In the first book (p. 585, lit. A), it is affirmed. But here, it is shown to be sufficient that the form be pronounced before the application of the matter ceases. See l. 6, n. 9, "Quæritur." Q. 60. Are all the matters and forms of the sacraments determined by Christ in a specific manner?

Translated by churchlatin.ai, a product of Boyne Archives

This is denied in the previous book (p. 804, Q. 2). But here, the opposite is considered more probable. L. 6, n. 42. Q. 61. Does a minister sin gravely by conferring a sacrament in mortal sin, even if he is not specially ordained for it, or if he does not administer it solemnly? This is denied in the previous book (p. 594 and 595). But here, it is affirmed. L. 6, n. 32. Q. 62. Does a priest sin gravely by administering the Eucharist to someone in mortal sin? In the previous book (p. 665, "An autem"), a probable negative opinion was presented. But here, we refute it. L. 6, n. 35. Q. 63. Can a minister administer a sacrament to an unworthy person out of fear of death? In the previous book (p. 595, Doubt 5), a probable affirmative opinion was presented. But here, we maintain the negative opinion. L. 6, n. 49. Q. 64. Can a cleric, who is in a shameful vice or another fault, and who desires to ascend to the sacred order, be absolved by simple, extraordinary signs, sufficient only to receive the sacrament of penance? This is affirmed in the previous book (p. 598, Question 3). But here, it is denied, unless very extraordinary signs are present, which demonstrate positive suitability for ordination. See l. 6, in the Dissertation, n. 63. Q. 65. Are priests ordained by the imposition of hands alone? In the previous book (p. 806, lit. F), we denied this. But here, we consider the affirmative opinion to be more probable. L. 6, n. 749. Q. 69. Can a dying person, who has received Holy Communion in the morning, receive it again on the same day?

[*Latin ed. p. 427*]

Should one receive the Body of Christ as Viaticum when illness is approaching? In the preceding book (col. 668, line A), we stated a probable opinion that was both affirmative and negative. But here, we distinguish whether the illness is natural or violent. Book 6, paragraph 285, Question 3. Does a priest sin gravely by failing to offer the Sacred Words, having received a small payment? In the preceding book (col. 878, line C), we stated a probable negative opinion. But here, we defend a safe affirmative opinion. Book 6, paragraph 317, section V, Question III. Question 68. Can a bishop regulate the amount of the missal offering prescribed by a testator? In the preceding book, it was stated that he can, if proportionate fruits are not received (col. 680, line F). But here, we express doubt. Book 6, paragraph 331, Question 1. Question 69. Is it permissible to celebrate privately the mysteries of the Lord's Supper? In the preceding book, we adhered to the affirmative opinion (col. 687, line E). But here, we say that the negative opinion must be held absolutely. Book 6, paragraph 350. Question 70. Does the altar lose its consecration if the seal is broken, or if the reliquary is removed with the relics? In the first book, it was stated that it does lose it (col. 693, line C). But here, we prove the opposite to be true. Book 6, paragraph 369, section 3, Question 2. Question 71. Are two cloths on the altar sufficient, or is one doubled cloth sufficient? In the preceding book, we affirmed (col. 697, line C). But here, we say that the opposite must be held.

Translated by churchlatin.ai, a product of Boyne Archives

Book 6, paragraph 375. Question 72. Can the water used for the ablutions of the sacred vessels be poured out anywhere other than into the sacrarium? In the preceding book, it was stated that it is sufficient if it is poured out in a fitting place (col. 699, line E). But here, we prove the contrary. Book 6, paragraph 387. Question 73. Can abbots consecrate chalices for churches that are not their own? In the preceding book, the affirmative opinion was reported (col. 699, line B, at the end). But here, we say that the opposite must be held. Book 6, paragraph 381. Question 74. Must the pyx be blessed? In the preceding book, we presented the negative opinion (col. 698, line H). But here, we prove the opposite. Book 6, paragraph 385. Question 75. If, after receiving the Body of Christ, a priest prudently doubts whether the wine was vinegar, should he consecrate both substances again under a condition? Here, we prove that it should be affirmed. Book 6, paragraph 206, section V. Regarding. Whatever was said in the preceding book. Question 76. By which bishop must confessors be approved? In the preceding book (col. 247, line E), it was stated that it is probable that they can also be approved by the bishop confessor, or by the penitent. But here, we say that they must absolutely be approved by the local bishop. Book 6, paragraph 548. Question 77. Is a consulting doctor bound by the seal, when consulted by a confessor? In the preceding book (col. 776, line G), we stated that it is probable that he is not bound: But here, we defend the opposite (Book 6, paragraph 648).

[*Latin ed. p. 428*]

Q. 78. Whether a mute person is bound to make confession in writing? In the preceding book, a negative opinion was deemed probable (col. 726, line B). But here, we maintain that it is required, if it can be done conveniently. L. 6, n. 479. See: "It is asked."

Q. 79. Whether, during the Jubilee, confession should be made within the same week in which the works of penance are completed, so that the penitent may be absolved from reserved sins? In the preceding book, we adhered to the negative opinion (col. 743, line A, n. 2). But here, we hold the opposite. L. 6, n. 537.

Q. 80. Whether someone who confessed invalidly during the Jubilee can subsequently be absolved by anyone? In the preceding book, the affirmative opinion was presented (col. 743, n. 1). But here, we maintain the negative opinion. L. 6, n. 537. See: "It is asked."

Q. II.

Q. 81. Whether a parish priest in a foreign diocese can hear the confessions of others with the permission of the priest of that diocese? In the preceding book, we affirmed this (col. 746, line B). But here, we deny it. L. 6, n. 544.

Q. 82. Whether a simple priest can absolve a dying person, in the pres-

Translated by churchlatin.ai, a product of Boyne Archives

ence of an approved confessor? In the preceding book (col. 752, line D), an affirmative opinion was presented, which we reject here. L. 6, n. 562.

Q. 83. Whether someone who is ignorant of an episcopal reservation incurs it? In the preceding book, we stated that the negative opinion was probable (col. 757, line A). But here, we reject it. L. 6, n. 584.

Q. 84. Whether those who were indirectly absolved from a reserved sin in a case of necessity by someone who did not have the authority to do so, are bound to present themselves to the Bishop afterward? In the preceding book, we denied this (col. 936, see: "But is it the case that..."). But here, we observe the distinction that was brought up. L. 7, n. 91.

Q. 85. Whether a confessor who errs culpably regarding the value of the sacrament is bound to warn the penitent of the error, even if it causes him great inconvenience? In the preceding book, we stated that the negative opinion was probable (col. 766, line I). But here, we hold the affirmative opinion. L. 6, n. 619.

Q. 86. Whether a pilgrim with a reserved sin can be absolved by a simple confessor in the place of confession, but not in his homeland? In the preceding book, the affirmative opinion was presented (col. 758, at the end, see: "It is asked."). But here, we refute it. L. 6, n. 588.

Q. 87. Whether someone who confessed to a superior, and forgot about a reserved sin, remains directly absolved by that superior? Here, it is more probable that it is denied. L. 6, n. 597. Whatever was said in the preceding book (1).

Q. 88. Whether someone incurs suspension who is ordained with a donated patrimony, but after having given a promise, or made a vow, to return it to the donor? In the preceding book, the negative opinion was deemed probable (col. 829, 2). But here, L. 6, n. 822, we observe the distinction that must be held, namely, whether the donor had a true, or not, intention of giving.

Q. 89. If someone, after having contracted betrothal with one person, takes another, is he bound to take the first after the second has died? In the preceding book, it was said in favor of...

[*Latin ed. p. 429*]

It cannot be maintained with certainty (col. 145, line I). But this is contradicted. Book 6, paragraph 875. Question: Is it sufficient, in order to validate a marriage, that only one party gives consent, even if it is given falsely? Book 6, paragraph 1444. The opinion that affirms this is considered truer; although it was not admitted in the previous book (col. 899, line "Hinc infertur"). Question: Is there any dispensation for an impediment between close relatives, if there has been no prior knowledge of a union between them? In the previous book, the negative opinion was considered more probable (col. 904, line "Quær. 3."). But in this book, paragraph 1434, it is

Translated by churchlatin.ai, a product of Boyne Archives

entirely rejected, even if there has been no union between them, in order to more easily obtain a dispensation. Question: Can a simple priest absolve from venial sins, and from minor excommunication? In the previous book (col. 746, line A, and col. 928, line "Certum."), the affirmative opinion, although not admitted, was not entirely rejected. But in this book, paragraph 74, it is entirely rejected because of the decree of Innocent XI. Question: If someone has been absolved by a bishop in a state of necessity from a papal censure due to a temporal impediment, and has already satisfied the terms of the censure, are they excused from going to Rome? In the previous book, it was said that it is probable that they would be excused (col. 933, question III, at the end). But in this book, we say that it must be maintained. Book 7, paragraph 87. Question: If someone has a public papal censure, and has been punished by a bishop, can they be absolved by another bishop? In the previous book, the affirmative opinion was considered probable (col. 930, line "Hinc, infra Dub. 4."). But in this book, we say that the opposite opinion is truer. Book 7, paragraph 77. Question: Can bishops absolve from hidden papal censures outside of confession? In the previous book, the affirmative opinion was reported (col. 942, at paragraph 8). But in this book, paragraph 593, we refute it based on the declaration of Gregory III. Question: Is it permissible to write to someone who is excommunicated? In the previous book, it was said that it is probably permissible (col. 964, line F). But in this book, we deny it. Book 7, paragraph 193. Question: Is it permissible to reconcile someone who is excommunicated? In the previous book (col. 965, question II), we stated that the affirmative opinion was absolutely probable. But in this book, paragraph 193, we consider the opposite opinion to be more probable, although we do not reject the first. Question: Can a duel be accepted in order to avoid a great and certain loss of property? Whatever was said with Salm in the previous book (col. 970, line A, Note I), today this opinion is condemned by Benedict XIV. See Book 3, paragraph 400, proposition IV (In the Mechlin edition, Book 4, paragraph 400). Question: Can parents force a girl to enter a monastery for the sake of her education? In the previous book (col. 983, at the beginning), the affirmative opinion was considered probable. But in this book, paragraph 212, the opposite opinion is considered absolutely more probable, unless the girl is in danger of incontinence.

[*Latin ed. p. 430*]

Q. 99. Does a person incur irregularity due to bigamy, who contracts two marriages that are null, or who, in order to obtain sexual intercourse, falsely enters into a second marriage? We affirm this here, see book 7, nos. 446 and 447, and whatever has been said in the previous book. Other recent retractions of opinions are added, which are listed in the preceding edition.

Ques. I. If someone reasonably believes that they have fulfilled a vow, canonical hours, or penance, are they obligated to complete it, if it is still

Translated by churchlatin.ai, a product of Boyne Archives

probable or doubtful that they have fulfilled it? Several authors deny this, see book 4, no. 76. But the opposite is to be held, because the obligation is already incurred, unless it has certainly been fulfilled. (In the Mechlin edition, book 4, no. 29.)

Ques. II. Do declarations of the Sacred Congregation of Cardinals have the force of law? Many authors deny this, unless they are published, not only with the advice of the Pope, but also at his command, so that they are solemnly promulgated throughout the Church, see book 4, no. 106, verse. However, it must be added that such declarations, which have already been universally disseminated within the Church, and have been promulgated in this way, sufficiently bind all the faithful, or when authors commonly refer to them.

Q. III. Can a bishop dispense in canonical statutes, in which dispensation has not been reserved? A previously considered sufficiently probable affirmative opinion was held by Soto, Covarrubias, Castro, Benavides, and St. Antoninus. But upon further consideration, it seems that the negative opinion should be held, based on Clement. 2, de elect., where it is said: "That which is superior cannot be abolished by that which is inferior." This is consistent with the canon "Dilectus, da tempore." See book 4, no. 194.

Ques. IV. Can a delegate of the prince, or a delegate to a university, subdelegate? This is affirmed, see book 4, no. 193. But this must be limited according to what is said in book 6, no. 666, namely, that this is understood when the delegation is made as if by office, or when a jurisdiction is delegated to someone, so that a privilege is permanently attached to their office or dignity.

Ques. V. Does the law cease, when the reason for the law in a particular case ceases? The opinion is cited that this is probable, and Salanus, Viva, Cajetan, Sylvestri, Panormitanus, Valentia, Sa, Cardinal Navarrus, Abbot, Count, and others hold this, see book 4, no. 100. But it should be noted that this opinion is rarely probable, because it rarely happens that all possibility of error ceases in a particular case.

Ques. VI. If someone, with the intention of stealing, takes one hundred gold coins, interrupting the act one hundred times, does he then commit one hundred sins? It was said in book 5, no. 44, that it is probable that it is one theft, or one sin. But, upon further consideration, it should be said that such thefts are one hundred distinct mortal sins, since each theft contains the same evil within itself. (In the Mechlin edition, book 2, no. 44.)

[*Latin ed. p. 431*]

Question VII. The act of charity towards God must be performed at least once a month, as stated in book 3, chapter 8. It must be added that, in the same manner, that is, at least once a month, we are likewise obligated to perform an act of charity towards our neighbor, otherwise it will be difficult

Translated by churchlatin.ai, a product of Boyne Archives

to observe the precept of charity towards our neighbor. (In the Mechlin edition, book 3, chapter 8.)

Question VIII. It is stated in book 3, chapter 844, that it does not seem improbable, according to Lessius, Salmeron, Bonaventure, etc., that a vow made by oneself can be changed in its object. However, it should be said that, according to St. Thomas, Cajetan, and others, it is much more probable that it cannot be changed, because God prefers the fulfillment of a promise over another. (In the Mechlin edition, book 4, chapter 244.)

Question IX. Several Doctors, as cited by Busenius in book 3, chapter 284, mention that it is permissible for a virtuous man to kill an aggressor who is attempting to strike him. However, it must be added, as Sylvestri wisely observes, that even if honor is more precious than wealth, we must consider whether there is a case in which it is permissible to kill the aggressor in self-defense. See 2-3, question 64, article 7; question 9. (In the Mechlin edition, book 4, chapter 381.)

Question X. Are those who expend the superfluous revenues of a benefice on profane uses obligated to make restitution? In book 3, chapter 492, the affirmative opinion was presented as being highly probable; but after more careful consideration, the negative opinion seems no less probable, especially considering the reasoning of the Doctor in 2-2, question 185, article 7. See the citation in chapter 492. (In the Mechlin edition, book 4, chapter 492.)

Question XI. If someone has stolen something, and the owner is poor, to whom should restitution be made? In book 3, chapter 589, it is stated that restitution should be made to the poor, or to pious institutions of any place. However, several limitations must be added to this, which you will find in the cited passage, or shortly thereafter. (In the Mechlin edition, book 4, chapter 589.)

Question XII. Is it possible, without guilt, at least a grave one, to reveal a crime that is public in one place, in another place where it is still hidden? It was stated in book 4, chapter 86, that, according to Lugat, Cajetan, Navarrus, Salmeron, etc., it is highly probable that the common opinion is affirmative. However, see book 3, chapter 974, where the opinion is now limited only to those crimes that harm others through the actions of the perpetrator. (In the Mechlin edition, book 4, chapter 974.)

Question XIII. Does one gravely sin if, on a day of fasting, one deliberately, without just cause, postpones the hour of noon? In book 2, chapter 4046, it was stated that, according to Lessius, Toledo, Benavides, Layman, Salmeron, Castrop, etc., the negative opinion is more probable. However, after a better return to truth, we maintain that, according to Azor, Sanches, Navarrus, and Sylvestri, the affirmative opinion must be held entirely. (In the Mechlin edition, book 4, chapter 1946.)

Question XIV. Can a Bishop lawfully dispose of the goods of the Church?

Translated by churchlatin.ai, a product of Boyne Archives

In book 4, chapter 187, it was stated by Ciroa, etc., that he cannot. But this must be understood only when the Church is deprived of something by the transaction.

[*Latin ed. p. 432*]

Here, something must be yielded from that which is possessed; otherwise, if nothing is yielded from the possessions. (In Edit. Mechl. l. 5. n. 487.)

Question XV. If a vow has certainly been made, but has only probably been fulfilled, is the person who made the vow absolutely obligated to fulfill it? Several authorities, namely Lug, Ronc, Salm, with Laym, etc., deny this. But I believe, along with Conc. Antoine, etc., that the vow must be fulfilled, because when the vow is certain, the obligation to fulfill the vow also exists. See l. 4. n. 29.

Question XVI. Is a penitent obligated to confess a mortal sin certainly committed, if he only believes that he has probably confessed it? Suar, Lug, Salm, and others deny this. But I say, along with Concina and others, that he is obligated to bring that sin to the confessor, because if the confession is doubtful, and the obligation to confess is certain, then the sin must be confessed. But see what is said in lib. 6. de pœnit. n. 477. (1).

Question XVII. Is it permissible to administer the sacrament under a condition, without the condition being expressed orally? In lib. 6. n. 29, at the end, it is affirmed, along with Cont. Tourn. Ronc. Castrop. and others, that this is the common opinion. But because some authors, such as Gonet, Juenin, Contens, Serry, etc., maintain (although perhaps only with slight probability) that the validity of the sacrament does not depend on the intention of the minister, but only on the sacrament itself being seriously administered, it is safer to express the condition in words.

Question XVIII. Is one obligated to confess a mortal sin certainly committed, if afterwards he is in doubt whether or not he confessed it? In l. 6. n. 477, it was said that one is not obligated if he believes that he has probably already confessed the sin to the confessor. But now we say that he is obligated, because just as the obligation to confess was certain, so too the confession must be certain. See, however, the cited n. 477.

Question XIX. Can a priest who has been excommunicated by the Church, as if he were a heretic, schismatic, or excommunicated person to be avoided, absolve those who are in danger of death, if another is absent? In l. 6. n. 560, the negative opinion was proven. But now we prove the contrary, along with Sylvio, Collet, Sylvestro, Cano, etc.

Question XX. If a penitent has confessed to a superior, and has innocently forgotten a reserved sin, can he then be absolved from it by any confessor? In l. 6. n. 597, the negative opinion was proven; but now, by the authority of Pontas, Collet, and especially Sylvii, who holds the affirmative opinion

Translated by churchlatin.ai, a product of Boyne Archives

along with Sylvest. Nav. Adrian. Angel. Covarr., and many others, considering it certain, we cannot reject it.

Question XXI. Does the incapacity to hear confessions, which confessors incur by being solicitous, arise before a sentence? In l. 6. n. 708, it is affirmed. But now, see what is said in this edition, at the cited number.

Question XXII. Can Bishops absolve from excommunication? (1) This is repeated here, Question XVIII.

[*Latin ed. p. 433*]

Those who have attempted to exclude delinquents from the Church? Appendix, On Privileges, no. XXVIII, it is affirmed. But now, the opposite must be held, along with Fagnano, who approves of this; see loc. cit. In the practice of confession, it is said in the last chapter, no. 287, that it has been granted to bishops, and their delegates, the faculty of granting a plenary Indulgence to the infirm who request it at the point of death; it must be added that this faculty must be requested from the Supreme Pontiff, and obtained. Question XXIII. In the Examination of those to be Ordained, no. 98, it is said from the Rubric that it is illicit to use wine in the Mass that is beginning to ferment. Note what is added there. Question XXV. In the same Examination, no. 422, it is said that it is doubtful whether it is a probable opinion that celebrating without the chalice is not a mortal sin. But, having considered the matter more maturely, now it seems to me to be sufficiently probable, since it is common among the Doctors; nor is there a certain foundation to the contrary. Question XXVI. Whether the chalice, if it is gilded again, must be consecrated again? Book 6, no. 370, doubt 2. I have considered it more probable to deny this, along with Laym, Lugo, etc. But, having considered the matter better, now I think, along with Ferrari, Suar., etc., that it is more probable that the chalice must be consecrated again; see the annotation added at the end in the cited place. END OF THE SENTENCES VOLUME.

[*Latin ed. p. 434*]

TABLE OF THE SIXTH VOLUME. INDEX OF THE EXAMINATION OF THOSE TO BE ORDAINED.

Chapter I. Of the Sacraments in general. page 4
Chapter II. Of the Sacrament of Holy Orders in general. 9
Chapter III. Of the Orders in particular. 47
Article I. Of the first Tonsure. ibid.
Article II. Of the Minor Orders. 20
Section I. Of the Order of Acolyte. 21
Section II. Of the Order of Lector. ibid.
Section III. Of the Order of Exorcist. ibid.
Section IV. Of the Order of Acolyte. 24

Translated by churchlatin.ai, a product of Boyne Archives

Article III. Of the Major Orders. ibid.
Section I. Of the Order of Subdeacon. ibid.
Paragraph I. Of the Vow of Chastity. 23
Paragraph II. Of the Canonical Hours. 24
Paragraph III. Of Censures in general. 31
Paragraph IV. Of Censures in particular. 33
I. Of Excommunication. ibid.
II. Of Suspension. 34
III. Of Deposition. ibid.
IV. Of Interdict. ibid.
V. Of Irregularity. 35
Section II. Of the Order of Deacon. 36
Section III. Of the Order of Presbyter. 37
Paragraph I. Of the Order of Presbyter. 38
Paragraph II. Of the Sacrifice of the Mass. 39
Paragraph III. Of the Power of the Priest. 53
Paragraph IV. Of the Office of Teaching and Preaching. 55

[*Latin ed. p. 435*]

INDEX OF IMPORTANT DOCTRINES OF MORAL AND CANONICAL LAW. To the Reader. Page 58.
Abbots. 59
Acts of Faith. 60
Advocates. Ibid.
Alienation. Ibid.
Altar. 61
Privileged Altar. Ibid.
Appeal. Ibid.
Aspergillum. 62
Baptism. Ibid.
Barbiturges. 65
Blessing. Ibid.
Benefice. 67
Bull of Indulgence. 71
Cadaver. Ibid.
Blind. 73
Cambium. Ibid.
Regular Canons. 74
Canons. 75

Translated by churchlatin.ai, a product of Boyne Archives

Chapter. 81
Capuchins. 82
Reserved Cases. Ibid.
Cognizance of Causes. 83
Censorship. Ibid.
Census. 84
Choir. Ibid.
Chrism. 85
Cloister. 86
Clerics. 87
Council of Trent. 90
Sermon. Ibid.
Concurrence. 91
Confessor. 93
Confession. 94
Confirmation. 95
Confraternities of Laymen. 97

[*Latin ed. p. 436*]

Consecratio. page 400
Constitutiones Unigenitus. ibid.
Consuetudo. 404
Contractus. ibid.
Crux. ibid.
Cultus. 402
Dispensatio. ibid.
Doctrina christiana. 404
Dos. 405
Duellum. ibid.
Ecclesia. 406
Episcopus. ibid.
Eucharistia. 440
Eunuchus. 444
Examinatores. ibid.
Excommunicatio. 445
Exemptio. 446
Executio provisionum curiae Romanae. ibid.
Exequiae. ibid.
Exorcismus. 447

Translated by churchlatin.ai, a product of Boyne Archives

Expositio SS. Sacramenti. ibid.
Extrema unctio. ibid.
Festi dies. 420
Fides. ibid.
Græci. 424
Hæretici. 422
Homicidium. 423
Jejunium. 424
Imagines sacræ. 425
Immunitas localis. ibid.
Indulgentia. 427
Infidelitas. 430
Interdicti. ibid.
Irregularitas. ibid.
Jubilæum. 433
Judæi. 438
Judices synodales. ibid.
Jurisdictio. 439
Legitimatio. ibid.
Lex ecclesiastica. 440
Matres. 441
Matrimonium. ibid.
Matutinum. 452

[*Latin ed. p. 438*]

Testaments. page 202. Sacred vessels. 203. Sale. ibid. Viaticum. 204. Capitular vicar. ibid. Visitation of dioceses, and of sacred limits concerning Bishops. 205. Vow. 206. Usury. ibid. REGARDING THE DECREES OF THE ROMAN PONTIFFS. PART FIRST. § I. Canons to be observed in the Pontifical Decrees. page 207. § II. Pontifical decrees to be considered by the moral theologian above others. 211. Propositions condemned by Pope Alexander VII, on the fifth day of September, in the year 4665. ibid. Then, on the fifth day of March, in the year 4666. 213. Propositions condemned by the Most Holy Pope Innocent XI, on the fifth day of March, in the year 1679. 214. Propositions condemned by Alexander VII. First Decree. 219. Second Decree. ibid. PART SECOND. ENCYCLICAL LETTERS AND DECREES OF BENEDICT XIV. Chapter I. Encyclical Letter I, concerning fasting. page 222. Encyclical Letter II, concerning the same fasting. 224. To the Venerable Archbishop of Compostella. 230. Encyclical Letter IV, concerning the stipend for Masses. 238. Encyclical Letter V, concerning the parish Mass, etc. 241. Encyclical Letter VI, concerning usury. 250. Encyclical Letter VII, concerning secret

Translated by churchlatin.ai, a product of Boyne Archives

marriages. 255. Chapter II. First Decree, against those who incite and are accomplices to a shameful sin. 260. Second Decree, against the same accomplices, etc. 264. Third Decree, against those who incite and abuse the sacrifice of the Mass. 267. Fourth Decree, against confessors who inquire about the name of an accomplice. ibid. Fifth Decree, concerning private oratories. 274.

[*Latin ed. p. 439*]

Decree VI, concerning the enclosure of nuns. page 276

Decree VII, concerning the enclosure of religious. 279

Decree VIII, concerning marriages with heretics. 283

Decree IX, concerning dispensations in marriages. 286

Constitution of Clement XIII, concerning fasting. 289

Constitution of Leo XII, March 13, 1825, condemning secret sects. 294

Constitution of Clement XII, concerning the same matter. 292

Constitution of Benedict XIV, concerning the same matter. 295

Constitution of Pius VII, concerning this matter. 299.

APPENDIX ON PRIVILEGES.

Chapter I. On privileges in common. page 309

Chapter II. On privileges of the clergy. 317

Chapter III. On privileges of bishops. 321

Chapter IV. On privileges of regular canons. 340

On privileges pertaining to all regular canons in common. ibid.

Chapter V. On privileges of regular canons in particular. 352

APPENDIX.

DISSERTATION on the prohibition and abolition of books not fit for reading. page 860

Chapter I. The utility and necessity of prohibiting books harmful to reading are demonstrated. 367

Chapter II. It is demonstrated that the Church, from the beginning, has been concerned with the abolition of corrupt books. 874

Chapter III. It is shown more fully that the Church has always been diligent in proscribing bad books, etc. 380

Chapter IV. Answers are given to the empty objections of adversaries. 385

Chapter V. Certain doubts pertaining to the matter are resolved. 402

LIST of questions which the Author has revised. 407

Translated by churchlatin.ai, a product of Boyne Archives

Other recent retractions of opinions. 448

[*Latin ed. p. 440*]

INDEX ALPHABETICUS EXHIBENS RES QUASCUMQUE NOTABILES SEX TOMIS CONTENTAS.

(The following is an alphabetical index listing notable topics contained within six volumes.)

Littera l. librum denotat, n. numerum marginalem, v. versiculum. (The letter "l." denotes a book, "n." denotes a marginal number, and "v." denotes a verse.)

A

ABBAS, ET ABBATISSA.

An abbatissa possit irritare vota Monialium? (Can an abbess annul the vows of nuns?) l. 4. n. 233.

Quid si vota sint facta cum suo consensu? (What if the vows were made with their consent?) lib. 5. n. 54. et lib. 4. n. 239.

An abbatissa possit libere administrare bona monasterii? (Can an abbess freely administer the goods of the monastery?) l. 5. n. 36.

An instituere beneficia, et ea auferre? (Can she establish benefices, and also revoke them?) ibid.

An possit præcipere, et obligare in conscientia Moniales? (Can she command and obligate the nuns in conscience?) l. 5. n. 52.

An dispensare in regulis? (Can she dispense in the rules?) n. 53.

An in votis novitiarum? (Can she dispense in the vows of novices?) n. 55.

An in jejuniis, et officio divino, etc. (Can she dispense in fasts, and the divine office, etc.?) n. 64.

De electione abbatissæ. (Concerning the election of an abbess.) n. 59.

An Abbas habens jurisdictionem quasi episcopalem possit absolvere suos subditos sæculares à Papalibus occultis? (Can an abbot, having jurisdiction as a bishop, absolve his secular subjects from secret papal penalties?) l. 6. n. 593. v.

Eamdem. (The same.)

An conferre tonsuram iisdem, aut alienis? (Can he confer tonsure on those within his jurisdiction, or on outsiders?) n. 763.

An novitiis? (Can he confer tonsure on novices?) n. 764.

An Religiosis non subditis? (Can he confer tonsure on religious who are not under his jurisdiction?) n. 766.

Pœnæ Ordinantium, et ordinatorum. (Penalties for those who ordain, and those who are ordained.) ibid.

Translated by churchlatin.ai, a product of Boyne Archives

Cum abbatissa an liceat colloqui sine licentia? (When an abbess, is it permissible to speak without permission?) l. 7. n. 238.

ABLUTIO.

An omittere vinum in secunda ablutione vacet culpa? (Is it free from sin to omit the wine in the second ablution?) l. 6. n. 408.

An possit dari viaticum unà cum ablutione? (Can the viaticum be given together with the ablution?) num. 288.

ABOMINATIO an aliquando sit licita? (Is abomination ever permissible?) l. 3. n. 20.

ABORUTUS.

An liceat matri sumere medicinam ad fœtum inanimatum expellendum? (Is it permissible for a mother to take medicine to expel a lifeless fetus?) l. 4. n. 394.

An cum periculo abortus fœtus animati? (Is there danger in an abortion of a living fetus?) ib. v. Quær. II.

Quibus pœnis subjiciantur procurantes abortum? (With what penalties are those who procure an abortion punished?) n. 395.

An prægnantes sibi procurantes abortum incurrant excommunicationem? (Do pregnant women who procure an abortion incur excommunication?) ib. v. Quær. V.

An incurrantur pœnæ abortus in dubio de animatione fœtus? (Are the penalties for abortion incurred in doubt about the animation of the fetus?) n. 396.

Quis possit has pœnas relaxare? (Who can relax these penalties?) n. 397.

Procurantes abortum fœtus animati possunt absolvi ab Episcopis. (Those who procure an abortion of a living fetus can be absolved by Bishops.) l. 7. n. 213. ad IV.

Et etiam à Mendicantibus. (And also by Mendicants.) n. 99.

In dubio abortus an quis debeat censeri irregularis? (In the doubt of an abortion, is anyone to be considered irregular?) l. 7. n. 347. Dub. 4.

Abortivi an baptizandi? (Are abortives to be baptized?) l. 6. n. 124.

ABSENTIA, ET ABSENS.

Absentia permissa Episcopis à suis Ecclesiis. (Absence permitted to bishops from their churches.) lib. 5. num. 422.

Absentia permissa parochis. (Absence permitted to parish priests.) ex n. 423.

Donatio absenti facta quando obliget? (When is a donation made to an absent person binding?) l. 4. num. 728.

Translated by churchlatin.ai, a product of Boyne Archives

An absentes à patria te-

[*Latin ed. p. 441*]

Are the faithful bound by laws to which they have not consented? Vol. 4, No. 157. Are fasts prescribed by law binding? Vol. 4, No. 1050. Can absolution for sins be granted to the absent? Vol. 6, No. 429. Can an absent person be absolved from censures? Vol. 7, No. 447. Absolution and to absolve. When and under what circumstances can concubinaries be absolved? Vol. 4, No. 435. Can those who are in a situation where they are frequently tempted to sin be absolved while engaged in a profession that requires such temptation? No. 438. Can a female servant be absolved if she sins against her master? Vol. 4, No. 439. Can a wife be absolved if she sins against her husband? No. 440. Can restitution be made if it is delayed? Vol. 4, Nos. 684 and 682. And must the confessor urge the penitent to make restitution, even if the offense is already forgiven? Ibid. See Question 2. How many sins does a confessor commit when absolving multiple penitents successively in mortal sin? Ibid, No. 50. Question 6. Concerning the form of absolution for sins. Vol. 6, No. 428. And what words are necessary in it? No. 430. What presence of the penitent is required in order to be absolved? No. 429. Absolution under a condition. Nos. 431 and 432. Can those who are in a state of mortal sin be absolved? Nos. 452 to 457 and 463. And in the Practical Handbook of Confessors, No. 63. Are habitual and relapsed sinners to be absolved? No. 459. Are they to be absolved with extraordinary signs? Nos. 460 and 463, and in the Practical Handbook, No. 67. Concerning the disposition of the penitent in order to be absolved. No. 464. Can absolution be delayed for a penitent who is properly disposed? No. 462. Is it advisable to do so? No. 463. Are relapsed sinners to be absolved out of mercy? Ibid. See also in the Practical Handbook, Nos. 68 and 69. Is an ordained man to be absolved? Vol. 6, No. 63. Concerning the absolution of the dying. Vol. 6, Nos. 480 to 483. Who can absolve a dying person? See "Dying Person." Absolution of an accomplice in a heinous sin, No. 553. Is the confessor obliged to absolve someone who adheres to a probable opinion? No. 604. Is it permissible to absolve someone with a doubtful jurisdiction? No. 571. Is it permissible to absolve someone with a probable opinion? Ibid. How should absolution from censures be given? Vol. 7, No. 416. Concerning absolutions during the Jubilee year. No. 418. Absolution from a censure due to fear. No. 419. Is it valid if given under a condition? No. 423. Is it valid in cases of relapse? No. 424. And is a new sin required at that time? No. 425. Is it valid if given outside of confession? No. 426. Is it valid if the penitent has not made full restitution? Nos. 427 and 428. Is it required that the penitent make an oath? No. 429. Is it required that the penitent ask for absolution? No. 430. What if the penitent gives a false account? No. 432. Is an excommunicated person, who confesses in good conscience, absolved from his sins before he is absolved from censures? Vol. 7, No. 459. See "Penitence," "Censure,"

Translated by churchlatin.ai, a product of Boyne Archives

and "Irregularity." Is an abstinent person irregular? Vol. 7, No. 409. Can only plain water be used for purification? Vol. 6, No. 408. Abstinence. Concerning abstinence from meat, see "Meat." Concerning abstinence from dairy products, see "Dairy Products." To accept and acceptance. Does the law obligate those who have not accepted it? Ibid, Vol. 4, No. 438. What if the majority of the people do not observe the law? Nos. 437 and 439. Verses 1-3. For how long are laws prescribed? No. 437, verse 3. What if they subsequently do not accept the law? No. 438. Does the law depend on acceptance? What about pontifical laws? And what about civil laws? Ibid.

[*Latin ed. p. 442*]

Law must be either strict or abolished. No. 439. If the people implore the prince to revoke a law. See also: Whether a donation obligates before acceptance? Law 4, No. 725. What if the donation is made for pious causes? No. 726. What if it is confirmed by an oath? No. 727. Can a donation be accepted after the death of the donor? No. 729. If the donee dies before acceptance, can the heir accept the donation? No. 734. Accession. Ownership is acquired by accession. Law 4, No. 497. Access to nuns without cohabitation. Law 7, No. 233. To accept. It is not permissible for a girl to accept gifts from a suitor. Law 3, No. 76. Is it permissible for someone to accept a gift from one burdened with debts? Law 4, No. 722. To accuse, and the accuser. What must be observed by the accuser? Book 5, Nos. 234 and 235. Who is obligated to accuse? Law 5, No. 236. Who is prohibited from accusing? No. 238. When is it permissible to accuse without prior warning? Nos. 240 and 241. He who unjustly accuses of solicitation incurs a papal censure, but without excommunication. Law 6, No. 693. However, at the end, the accuser in a case of blood is irregular. Law 7, No. 468, ad III. What about clerics who accuse? See also No. 467. Acedia, what it is. Law 2, No. 84. Action. Actions do not prescribe unless after 30 years. Law 4, No. 507. Actions of clerics are prohibited. Law 5, No. 494. Human Acts. Book 2. What is a human act, and how many are there? Nos. 1 and following. What are elicited and commanded acts? No. IV. What is a voluntary act, and how many are there? Nos. VI to XI. What is an involuntary act, and how many are there? Nos. XII and following. Concerning violence, No. XV. What is fear? No. XX. Does concupiscence destroy or increase the voluntary act? Nos. XXIII to XXV. What is ignorance, how is it divided, and what effect does it have on the voluntary act? Nos. XXVI to XXIX. Concerning the freedom of acts, Nos. XXX and following. In what does malice or moral goodness consist? Nos. XXXIV and following. What are the principles of morality? No. XXXVI. Is an indifferent act permitted? No. XLI. Acts. Acts of faith and hope, when should they be elicited? Law 3, Nos. 7 and following. What about acts of charity? Law 3, No. 8. How are internal acts of sin morally interrupted? Law 2, Nos. 37 and 38. What if the will remains in the effect? No. 40. How are external acts interrupted? No. 41. Can satisfaction

Translated by churchlatin.ai, a product of Boyne Archives

be made for a double precept by one act, or by several acts simultaneously? Law 4, No. 466. Does one who commits several sins by one act violate several precepts? Law 4, No. 467. Can prelates command internal acts? Law 4, No. 400. Are several sins committed by one act due to the diversity of total objects? Book 2, No. 45. Are acts of faith and hope required for contrition? Law 6, No. 439. Does the conjugal act impede communion? See Conjugal Duty. Must the act be external to incur censure? Law 7, No. 34. Must it be consummated? No. 36. Additions in the Mass. Law 6, No. 444. When is it permissible to add Collects?

[*Latin ed. p. 443*]

ibid. In the exposition of the Blessed Sacrament, the prayer is added. ibid., verse. Probably. What is an oath, and when is it permissible? Book 4, after paragraph 193. See appendix on the Invocation of Demons; there. Administrator, and to administer. Public administrators when they are irregular. Book 7, paragraph 456, ad 1V. (See also Book 4, paragraph 838, very important.) See Ministrare. Adolescent. Even robust adolescents are excused from fasting before the age of 21. Book 4, paragraph 1035. What if someone completes their 24th year on that day? ibid. Advena, see Peregrinus. Advertentia (Awareness). Concerning the awareness required by law. Book 4, paragraph 7. Concerning the awareness required for sin. Book 2, paragraph 3. Is virtual awareness sufficient for mortal sin? Paragraph 4. For culpable distraction in the Divine Office, awareness of it is required. Book 5, paragraph 476, see. It has been said. Adulter (Adulterer), Adultera (Adulteress), and Adulterium (Adultery). To what are adulterers bound? Book 4, paragraph 651. To what are adulteresses bound? Paragraph 652. Is she herself bound to proceed [with the act]? Paragraph 653. Is the illegitimate son bound to believe his mother? Paragraph 654. To what else is the adulterer bound? Paragraph 655. Are those who expose adulterous children bound to restore them to hospitals? Book 4, paragraph 656. Can an adulteress deny her hidden crime? Book 4, paragraph 462. Is adultery a sodomitic act between spouses? Paragraph 446. If an adulterer kills the adulteress's husband to protect his own life, does he incur irregularity? Book 4, paragraph 398, see. In order. Can an adulterous wife be expelled by her husband? Book 6, paragraph 939, see. Doubt 3. Concerning divorce due to adultery, numbers 960 to 969. The crime of adultery for annulling marriage. Book 6, numbers 1035 to 1042. Is the adulteress's silence sufficient for consent to invalidate the marriage? Paragraph 4038. Adultery with attempted marriage while the spouse is living. Paragraph 1042. If an adulterer kills his wife in defense. (Reference to Book 4, paragraph 398, see. In order.) A man who knows his wife is an adulteress becomes irregular. Book 7, paragraphs 444 to 443. Advocates, what requirements they need. Book 5, paragraph 218. What is illicit for an advocate to do? Book 5, paragraph 219. Which poor people is an advocate bound to defend for free?

Translated by churchlatin.ai, a product of Boyne Archives

Paragraph 224. Can he defend less probable causes? Paragraph 222. Can he agree on a price, and on a share of the lawsuit? Paragraph 224. When is an advocate bound to make restitution for damages? Book 5, paragraph 223. When does an advocate sin? Paragraph 226. Advocates and procurators, after two years in Naples, cannot demand a salary. Book 4, paragraph 546. When are advocates excused from fasting? Book 4, paragraph 1049, see 6. They are excused. Adifectio (Acquisition). When is ownership acquired by building? Book 4, paragraph 500. A chaplain who is farming. Book 6, paragraph 333. Before which parish priest must a farmer marry? Paragraph 1091. Agrotus (Farmer), see Infirmus (Sick person).

[*Latin ed. p. 444*]

Equivocation, see Amphibologia. The age of children regarding the obligation of precepts. Book 3, chapter 155, paragraph 155. Question. The age concerning ordination. Book 6, chapter 783, section 11, and chapter 799. The penalty for those ordained before the required age. Book 6, chapter 799, note 2. If it is due to gross ignorance, see ibid. But here. What happens when the required age is reached? See ibid., question 2. Does a priest ordained before the required age become irregular? See ibid., question 3. How is age to be calculated? Chapter 800. Can a bishop grant a dispensation regarding age? See ibid. Certain. The required age for marriage. Chapters 4065 and 4066. Irregularity due to lack of age; Book 6, chapters 783 and 799. Affinity, how is it contracted? Book 6, chapter 4068. Is affinity contracted between a stepmother and the wife of her stepson? Chapter 4069. What if someone, after a dispensation has been granted, discovers that they are related to the betrothed as siblings? Chapter 4069, and see also chapter 1140. Concerning the impediment of affinity. Chapter 1068. Concerning the impediment of not being able to marry due to affinity. Chapter 1070, to chapter 1077. To contract affinity, it is required that the marriage be consummated on both sides. Chapter 1075. The penalty for those who knowingly enter into marriage with an impediment of affinity. Chapter 1077. Who can grant a dispensation in this impediment? Chapter 1076. Question IV. Aggressor, see Occisor. Agitation of bulls. See Book 4, chapter 365. Those who paint or decorate images of the Lamb of God are excommunicated. Book 7, chapters 209 to 22. Games of chance. How are games of chance forbidden to laymen? Book 4, chapter 883. How are they forbidden to clerics? Chapter 895. And to religious? Chapter 904. And to bishops? Chapter 906. What if clerics and religious only attend such a game? Chapter 903. Alienation of ecclesiastical goods. Book 5, after number 187. Are aliens subject to general censuses? Book 7, chapter 27. See Peregrinus. Alimony. Parents are obligated to provide alimony to their children. Book 4, chapter 326. Even to illegitimate children. Chapter 954. Brothers are obligated to provide alimony to their siblings. Book 4, chapter 340. The Neapolitan law concerning alimony for children. Chapter 338. Can a wife and children receive alimony from some-

Translated by churchlatin.ai, a product of Boyne Archives

one burdened with debt? Book 4, chapter 695. Alluvio. How is ownership acquired through alluvio? Book 4, chapter 495. Altar. Is it permissible to celebrate Mass outside the altar due to the fear of death? Book 6, chapter 389. Change of altar. Chapter 329. Removal of the altar. Chapter 369. If an altar is moved and a hearth, seal, or tomb is removed. See Book 6, chapter 369. If there is a buried body beneath the altar. Ibid. See here. The altar must be consecrated. Chapter 373. Is it permissible to take vestments from the altar? Chapter 424, paragraph 5. Lower vestments. Portable altar. Ibid., paragraph 6. Altar. Privileged altar. Chapter 339. Amasius. Is it permissible for a girl to receive gifts from her suitor? Book 2, chapter 76. Ambition. What is ambition? Book 2, chapter 66, paragraph 2.

[*Latin ed. p. 445*]

Amens (Persons under enchantment), whether they are subject to human law, and whether they can be administered meats? Book 1, no. 453. See: Concerning the greater [degree of enchantment]. Can they be confirmed? Book 6, no. 180. Can they receive Holy Communion? Nos. 246 and 302. Can the semi-enchanted, the mute, and the obsessed receive the sacraments? No. 303. Can they receive Extreme Unction? No. 732. Is a spouse bound to, or can they return, a gift given by an enchanted person? No. 948. Enchanted persons are validly baptized, confirmed, and ordained. No. 80. Enchanted and drunken persons who previously had the intention [to receive the sacrament]. No. 84. See: Whether... [it is permissible]. Enchanted persons are irregular. Book 7, no. 398. Friend. Is it permissible to give a plank to a friend in a shipwreck? Book 4, no. 366. Loss, and To Lose. Does the loss of a large sum of money permit working on a feast day? Book 4, no. 304. Does it excuse one from attending Mass? No. 332. In what ways are benefices lost? Book 5, no. 433. Is an initial affection required in contrition? Book 6, no. 440 and 442. Amphibology can be threefold. Book 4, no. 454. It is permissible to swear, even with a condition, if there is a reason. Ibid. See: With these things established. See: Mental Restriction. Animals. Is it permissible to kill animals on a feast day? Book 4, no. 298. Is it permissible for clerics and religious to buy animals in order to sell meat from their pastures? Book 4, no. 834. Is it permissible to graze animals on land that is not their own? No. 835. Concerning the association of animals. No. 909. Which animals are forbidden during fasts? No. 4041. Defects of the soul in irregularity. Book 7, no. 397. Dispositions of the soul for Holy Communion. Book 6, no. 255. Intention. What if someone lightly injures another with their intention of causing great harm? Book 4, no. 554. What if someone contracts without intending to contract? No. 709. What if someone obligates themselves without intending to obligate themselves? No. 740. Receiving a benefice without the intention of becoming a cleric, or with the intention of marrying a wife. Book 5, no. 443. Receiving a curacy with a doubtful or conditional intention of receiving the priesthood. No. 444.

Translated by churchlatin.ai, a product of Boyne Archives

Anniversaries, if they have attached prayers, etc. Book 6, no. 334. See: Doubt 3. They can also be said on a doubly major feast day. No. 421. Can they be anticipated or postponed? Ibid. Antichryseos, a contract called, to enjoy. Book 4, no. 776. Can an antidotal obligation be included in a contract? Book 4, no. 53. Antipendium of the altar. Book 6, no. 395. Antiphona in the office, is it sufficient to hear it? Book 5, no. 462. See: Common. Apostasy, and To Apostatize. Apostasy from the faith. Book 3, no. 47. What can religious who have apostatized acquire? Book 5, no. 80. To what is a prelate bound with regard to apostates? Book 5, no. 82. Are apostates bound to recite the Divine Office? No. 441. Is an appeal permissible, and when? Book 5, no. 285. Application of the Mass. Is it permissible to apply the most specific fruit? Book 6, Volume VI.

[*Latin ed. p. 446*]

318. Concerning the obligation of beneficed persons, chaplains, nuns, and confraternities to offer Masses.

323-325. Concerning the obligation of parish priests.

321. v. Question II. What about a conventual Mass?

326. Can beneficed persons sometimes offer Masses for friends or relatives, or should they abstain from celebrating out of reverence?

332. If a chaplain is infirm.

333. A religious person illicitly, but validly, offers a Mass against the will of his superior.

334. When should the application of a Mass be made?

335. Is a habitual application valid? Ibid. Question I. Is an application made in a confused manner? Ibid. Question II. Is an application conditional?

337. Vers. They say. What about a Mass for the Dead?

338. Concerning a privileged altar.

339. Approval to hear confessions.

Book 6, number 542 to 356. Water with regard to baptism, see Baptism. Water with regard to the consecration of wine. Book 6, numbers 208 to 240. The tree of consanguinity. Book 6, number 4030. Arctus, see Pemina. When do money-changers sin? Book 5, number 292, verse 3. Are they excused from fasts? Book 4, number 1041, verse. Alit. Aromatic substances chewed by the teeth do not break the fast. Book 6, number 280. Doubt 3. Arrha (deposit). If a deposit has been given, is it permissible to withdraw from the purchase? Book 4, number 794, verse. This is questioned here. Ars (art, skill). Can someone who has committed a sin in the course of exercising an art be absolved? Book 2, number 63, and Book 4, number 438, and Book 6, number 452. Ars notoria (notorious art). Book 4, number 14. Prohibited arts for clerics. Book 5, number 489. What is a laborious art that excuses from fasts? Book 4, number 1041. Articulus (article, clause).

Translated by churchlatin.ai, a product of Boyne Archives

How many sins does one commit who denies several articles of the faith? Book 2, number 50. The obligation to elicit the affections of faith, hope, and charity. Book 3, numbers 5 and 23. Articulus mortis (article of death), see Periculum (danger). Artifea (artisan). Wealthy artisans are not excused from fasts. Book 4, number 1042. Nor those who can fast without serious inconvenience. Number 1013. Are artisans excused on days when they do not work? Number 1044. Those who undertake work in order to avoid fasting? Number 1045. What is haruspicy? Book 4, number 6. See Divinatio (divination). Aspectus (sight, appearance). Concerning the unsightly appearance of one's own body. Book 4, number 419. Concerning the unsightly appearance of another's body, and of animals. Numbers 420 and 421. Does an unsightly appearance take the form of the object seen? Ibid. Is it permissible to look at the face of a beautiful woman? Number 422. Is it mortal to look at the chest and legs of a woman? Number 423. Is it mortal to look at obscene pictures? Number 424. Are glances exchanged in church sacrilegious? Number 461. Assassinium (assassination) and Assassinus (assassin). Concerning the penalty for those who order a murder to be committed by an assassin. Book 4, number 363. Do the assassins themselves incur this penalty? Number 364. What is assecuratio (insurance)? Book 4, number 944. Concerning insurance in the Three Contracts. Number 908.

[*Latin ed. p. 447*]

Assistens Missæ quam audit excommunicatus. l. 7. n. 476. Assistentia in choro, vide Chorus. Assistentia parochi an requiratur in revalidando matrimonio nullo ob impedimentum occulum? l. 6. n. 4110. Associantes homicidam flunt irregulares. l. 7. num. 374. Astrologia, quæ naturalis licita? et quæ judiciaria illicita? l. 4. n. 40. Attentare, et Attentatio. Qui attentat se occidere non fit irregularis. l. 7. n. 419. Qui attentat duo matrimonia inire fit irregularis. n. 444. Etiamsi ambo nulla. n. 445. Vide Bigamia. Attentatio matrimonii cum adulterio, vivento conjuge, illud dirmit. l. 6. n. 1042. Attentio. An in audienda missa requiratur attentio interna? l. 4. n. 313. De attentione externa requisita in recitando officio. l. 5. n. 476. v. Circa. De attentione interna circa officium, et an hæc sit de essentia? ib. v. Attentio. Regula ad scrupulos abjiciendos in recitatione officii. n. 177. v. Cæterium. An beneficiarius teneatur ad restitutionem, si recitet sine attentione interna? l. 4. n. 669. et l. 5. n. 177. v. His tamen. Attentio requisita in ministro sacramentorum. l. 6. n. 14. Attritio. Cum attritione cognita non licet ministrare. l. 6. n. 30. v. 2. Attritio sine amore prædominante an sufficiat in confessione? n. 440. et 441. Ex metu pœnarum. n. 443. Avaritia, quid sit? l. 2. n. 68. Et quæ ejus filiæ? n. 69. Auctoritas. An auctoritate propria liceat facere divortium? l. 6. n. 968. Quid si fiat ob sævitiam alterius? n. 971. Audire, et Auditor. Quomodo peccet audiens detractionem, et ad quid teneatur? l. 4. n. 979. Quid si sit superior? n. 980. Quid si privatus? n. 981. An fama sit restituenda etiam apud auditores mediatos? n. 991. v. Quæritur. An satisfaciat recitans officium, si

Translated by churchlatin.ai, a product of Boyne Archives

se non aud. at. l. 5. n. 463. Audire missam? l. 4. n. 308. Augurtum quid sit? l. 4. n. 6. v. Per tacitam. Auriculæ si alicui desint, an sit ille irregularis? l. 7. n. 410. in fn. Auriga. An liceat aurigis veliere meretricem? l. 3. n. 75. v. An autem. Aurora. Non licet celebrare ante auroram. l. 6. n. 340. Quando fincipit? et quomodo computanda aurora? n. 344. Quid de regularibus? n. 342. Quid in nocte Nativitatis Domini? n. 343. v. Quæres. Auspicium quid sit? l. 4. n. 6. v. Per tacitam. Avus an possit irritare vota? l. 4. n. 229.

Attending Mass, even if one is excommunicated. l. 7. n. 476. Assistance in the choir, see Choir. Is the assistance of a parish priest required in validating a marriage nullified by an occult impediment? l. 6. n. 4110. Those who associate with a murderer are irregular. l. 7. num. 374. Astrology, which is naturally licit, and which is judicially illicit? l. 4. n. 40. To attempt suicide does not render one irregular. l. 7. n. 419. To attempt to enter into two marriages renders one irregular. n. 444. Even if both are null. n. 445. See Bigamy. An attempt at marriage, coupled with adultery or living with a spouse, invalidates it. l. 6. n. 1042. Attention. Is internal attention required when hearing Mass? l. 4. n. 313. Concerning external attention required in reciting the Divine Office. l. 5. n. 476. v. Circa. Concerning internal attention regarding the Divine Office, and whether this is essential? ib. v. Attention. A rule for dismissing scruples in reciting the Divine Office. n. 177. v. Cæterium. Is a beneficiary obligated to make restitution if he recites [the Divine Office] without internal attention? l. 4. n. 669. and l. 5. n. 177. v. His tamen. Attention required in a minister of the sacraments. l. 6. n. 14. Attrition. It is not licit to minister with merely attrition. l. 6. n. 30. v. 2. Is attrition without predominant love sufficient in confession? n. 440. and 441. From fear of punishment. n. 443. Avarice, what is it? l. 2. n. 68. And what are its fruits? n. 69. Authority. Is it licit to effect a divorce by one's own authority? l. 6. n. 968. What if it is done because of the other's cruelty? n. 971. To hear, and a hearer. How does one sin by hearing detraction, and to what is one bound? l. 4. n. 979. What if he is a superior? n. 980. What if he is a private person? n. 981. Is reputation to be restored even among mediate hearers? n. 991. v. Quæritur. Does one satisfy the requirement by reciting the Divine Office if one does not hear it? l. 5. n. 463. To hear Mass? l. 4. n. 308. What is an augury? l. 4. n. 6. v. Per tacitam. If someone lacks ears, is he irregular? l. 7. n. 410. in fn. A charioteer. Is it licit for a charioteer to keep a concubine? l. 3. n. 75. v. An autem. Dawn. It is not licit to celebrate before dawn. l. 6. n. 340. When does it begin? and how is dawn to be computed? n. 344. What about the religious? n. 342. What on the night of the Nativity of the Lord? n. 343. v. Quæres. What is an auspicious sign? l. 4. n. 6. v. Per tacitam. Can a grandfather invalidate vows? l. 4. n. 229.

[*Latin ed. p. 448*]

B. Actio: Whether it is permissible to use an action in the Mass? Book 6, chapter 402. See: It says. Does a stutter satisfy the recitation of the Office?

Translated by churchlatin.ai, a product of Boyne Archives

Book 5, chapter 465. Is it irregular? Book 7, chapter 406. Bannitus (excommunication): See Proscriptus (exile). Baptism, and to baptize. What and how often is baptism? Book 6, chapter 95, paragraph 404. On the matter of baptism. Chapter 402, paragraph 107. On the form of baptism. Chapter 408, paragraph 442. On the minister of baptism. Chapter 443, paragraph 448. Can two baptize one at the same time? Chapters 449 and 420. On the subject of baptism. Chapter 421, paragraph 439. On the ceremonies of baptism. Chapters 440, paragraph 445. On godparents in baptism, chapters 456, paragraph 460. Effects of baptism. Chapter 438. Repeated baptism incurs irregularity. Book 7, chapter 356. Barbers. Can barbers shave on a feast day? Book 4, chapter 290. Are they excused from fasts? Book 4, chapter 404. Questions to be asked of barbers, especially those who adorn the hair of women. Practice of Confessors, chapter 62. War. When and to whom is it permissible to wage war? Book 4, chapters 402 and 403. With a probable opinion? Chapter 404. To what are princes bound? Chapter 405. Can they call upon heretics and infidels for help? Chapter 406. Can captives in war flee? Book 4, chapter 440, paragraph 4. See: Captives. Commanders in war, to what are they bound? Book 4, chapter 407. When do prelates incur irregularity in war? Book 7, chapter 459. Do they incur irregularity by urging others to kill in war? Chapter 460. To bless, and blessing. Blessing of garments. Book 6, chapter 378. Can a bishop delegate this power? Ibid., see: Doubt 4. Blessing of the pyx. Chapter 383. Blessing churches, vestments, etc., in the mortal sin. Book 6, chapter 40. The blessing of marriages is prohibited during weekdays. Chapter 983. Is it permissible to consummate a marriage before the blessing? Chapter 984. Doubt 2. Is the final blessing of the bishop required in Confirmation? Book 6, chapter 488, at the end. Benedict XIV. What does he think about intention in the sacraments? Book 6, chapter 23, paragraph 2. See: Second. And see: Ibid. On the condition for administering the sacraments. Chapter 27. See more of his bulls under: Bull. Beneficiary. Who among the beneficiaries are bound to reside? Book 5, chapters 449 and 420. Are pastors bound to reside by divine law? Chapter 421. On the residence of bishops. Chapter 422. And of parish priests. Chapters 423 and following. See: Residence. Is a beneficiary bound to give superfluous fruits? Book 4, chapter 494, paragraph 6. See: Question VI. To give only to the poor? Ibid., Question I. And those who come in the name of the poor? Ibid., Question II. Should the poor of the locality be given preference? Ibid., Question III. Can he reserve the superfluous for pious uses? Ibid.

[*Latin ed. p. 449*]

Q. IV. Can one who holds a benefice live off of it? (ref. ibid.)

Q. V. Is the holder of a benefice the lord of the fruits of the benefice? (lib. 4, n. 461)

Is one who spends superfluous funds on vain uses obligated to make

Translated by churchlatin.ai, a product of Boyne Archives

restitution? (n. 492, and lib. 5, n. 483)

What about one who receives superfluous things as a gift from the holder of a benefice? (lib. 4, n. 492)

Q. VIII. When is the holder of a benefice obligated to make restitution for neglecting his duties? (lib. 4, n. 663 to 675)

Is he also deprived of the benefice for this reason? (n. 671)

Is a cleric holding a benefice, if he does so under duress, obligated to recite the Divine Office? (lib. 5, n. 144)

How many sins does a cleric holding a benefice commit by neglecting his duties? (n. 145)

Does a cleric holding a benefice who neglects his duties sin gravely if he intends to restore the fruits? (ibid.)

Q. II. Is an impotent cleric, if he cannot recite the Divine Office alone, obligated to have a companion? (n. 458)

Or, rather, is he?

A cleric holding a benefice, if he celebrates Mass elsewhere than in the church, at the altar, or on the prescribed day or hour. (lib. 6, n. 329)

Regarding the obligation to celebrate the prescribed Masses, and whether this obligation applies to him personally. (n. 330)

If the revenues are insufficient. (n. 334)

Dub. 2. Can a cleric obligated to celebrate Mass daily celebrate it several times for others, or omit it out of reverence? (n. 332)

If he is infirm? (n. 333)

Can a cleric holding a benefice be treated with an incision, and cauterization? (lib. 7, n. 385)

Benefice. What is a benefice, and how many kinds are there? (lib. 5, n. 83, 84)

How are benefices acquired and conferred? (num. 85)

What intentions and qualities are required to acquire a benefice? (num. 145)

Is it permissible to hold multiple benefices? (num. 145)

In what ways are benefices lost? (n. 433)

What are simple benefices, and what are plural benefices? And which plural benefices are compatible, and which are incompatible? (lib. 5, n. 446)

For how long must benefices be held? (lib. 4, n. 507)

If someone prevents a worthy person from receiving a benefice, to what is he obligated? (lib. 5, n. 409)

Is it simony to serve a bishop in exchange for a benefice? (lib. 4, n. 62)

Is it simony to give money to an intermediary to obtain a benefice? (n. 64, and 65)

Translated by churchlatin.ai, a product of Boyne Archives

What are the penalties for the simoniacal acceptance of benefices? (lib. 4, n. 442)

Q. I. to Q. IV. Regarding simony concerning benefices.

Simony. The ordination by title of a benefice. (lib. 6, num. 770, also num. 773 to 777, and 845)

Also, regarding the sufficiency of a benefice. (d. num. 845, Not. 4 and 2)

Does the term "benefice" include stipends for Masses? (ibid., Not. 3)

Regarding a future benefice? (n. 846)

Are excommunicated individuals ineligible for benefices? (lib. 7, n. 479 to 483)

Are they deprived of the fruits? (n. 483)

What if someone is unaware that he is excommunicated? (n. 482)

Can a poor person suspended from a benefice retain the fruits? (n. 346)

Dub. 4. Is a person suspended from a benefice also suspended from other benefices in a different diocese? (ibid.)

Dub. 2. If a benefice is conferred irregularly. (n. 442 to III, and n. 343)

If the capital of a benefice remains unused. (lib. 6, n. 324)

But rather, is it so?

Can a bishop dispense with the irregularity in the case of a simple benefice? (lib. 7, n. 428)

Regarding a canonry? (n. 429)

Bestiality. What is the sin of bestiality? (lib. 4, n. 474)

Is it necessary to specify whether the animal is male or female? (ibid.)

But it is doubted.

[*Latin ed. p. 450*]

Do clerics who commit acts of sodomy incur the same penalties as sodomites? Book 4, paragraph 473.

If a spouse commits bestiality, is the other spouse permitted to seek a divorce? Book 6, paragraph 962.

When does a bookseller sin? Book 5, paragraph 292, section 2.

Bigamy constitutes a defect. Book 7, paragraphs 435 to 453.

What constitutes a true bigamous marriage? Paragraph 436.

What constitutes an interpretative bigamous marriage? Paragraphs 437 to 447.

What constitutes a simulated bigamous marriage? Paragraph 448.

Do clerics incur penalties for simulated bigamy? Paragraph 449.

Can the Pope grant a dispensation? Paragraph 450.

Can Bishops grant a dispensation? Paragraph 451.

Can a dispensation be granted, at least for minor orders and a simple

Translated by churchlatin.ai, a product of Boyne Archives

benefice? And at least for simulated bigamy? Paragraph 452.

Can regular prelates grant a dispensation? Paragraph 453.

Biscotti. Is it permissible to eat biscotti made with eggs during fasts? Book 4, paragraph 1009, section 4.

Blasus. Is this a defect? Book 7, paragraph 406.

Blasphemy, and what constitutes blasphemy? Book 4, number 421.

In how many ways can one blaspheme against God? Number 122.

Heresies involving blasphemy. Ibid.

The obligation to denounce blasphemy. Paragraph 423.

Is it blasphemy to say: "May God be willing," or "In defiance of God"? "The demon is a saint," etc. "I deny God." "Holy Diana?" "The blood of God?" Paragraph 124.

"May it be for the sake of God?" "I deny God, if you do not strike me?" "Is this true, as God is true?" "Was it destined by fate?" "The pot of Christ?" "Outside of God?" "If I did it." Paragraph 124.

"O death of God," "Wounds of Christ?" Paragraph 128.

See also in *Praxis Confessarii*, number 24.

Are there blasphemous acts against God, even if the words are not spoken? For example, spitting into the sky, gnashing one's teeth, etc.? Paragraph 425.

Concerning the habitual blasphemer. Paragraph 127.

Is it blasphemy to curse creatures? Paragraph 129.

Is it blasphemy to curse the whole world? Ibid. "But not Me." Is it blasphemy to curse the devil? Ibid. Is it blasphemy to curse the dead and the faith? Paragraph 430.

Is it blasphemy to curse a demon? Paragraph 431.

Do blasphemies against God and the Saints differ in their nature? Paragraph 442.

How many sins does a blasphemer commit when blaspheming the Apostles? Book 2, paragraph 47.

If someone blasphemes the Saints, saying: "If I did it." *Praxis Confessarii*, paragraph 28.

If someone blasphemes the dead. Paragraph 29.

See *Maledictio* (Curses). *Epistola responsave adversus Epistolam apologeticam scriptam in propugnationem dissertationis, quæ super abusu mortuis maledicendi prodiit* (Letter of responses against the apologetic letter written in defense of the dissertation on the abuse of cursing the dead). Book 4, after paragraph 432.

Blasphemous. When should blasphemers be denounced? Book 5, paragraph 252.

Translated by churchlatin.ai, a product of Boyne Archives

Ecclesiastical goods. What are considered ecclesiastical goods? Book 5, paragraph 187, see Note III.

Concerning the alienation of ecclesiastical goods. See dictionary, paragraph 487.

Concerning the goods of clerics. Book 4, paragraph 490.

Are patrimonial, parsimonial, or industrial goods the property of clerics? Ibid.

Are clerics the owners of ecclesiastical goods? Paragraph 492.

Goods of faith, see *Fides* (Faith).

Good. Should spiritual goods ever be relinquished for the sake of a neighbor? Book 3, paragraphs 26 and 50.

Should uncertain goods be given to the poor? Book 4, paragraph 589.

What if the owner later appears? Paragraph 590.

Concerning composition (settlement).

[*Latin ed. p. 451*]

Concerning Uncertain Goods. No. 594. To whom should restitution be made if small goods are taken from many? No. 695. Are certain goods to be restored to the possessor or the owner? Nos. 596 and 599. What are the four kinds of a wife's goods? Book 4, No. 469. What is "Gessio" of goods, and by what is it determined? Book 4, No. 699. Should found goods be restored? No. 603. Three years are required to prescribe movable goods. Book 4, No. 506. For immovable goods, 10 years. No. 598. Forty years are required to prescribe goods belonging to the Church. No. 510. Breviary. How is the lack of a Breviary excused? Book 5, No. 457. Are the Hours to be recited according to the prescription of the Roman Breviary? No. 160. What if one does not have a proper office? No. 158. See also. What if one lacks the Roman Breviary? Ibid. Bulls. Bull of Benedict XIV concerning fasting. Book 4, No. 1018. Bull of the same concerning the commerce of clerics. Book 4, No. 832. Bull of Nicholas V concerning tithes. No. 846. Bull of St. Pius V. No. 846. And do these obligate in conscience? No. 848. Or where they are not received? No. 849. Bulls concerning the cases of the Cenacle. Book 7, No. 281. Can Bishops absolve from the cases of the Bull in secret? Nos. 82 and 83. Can they absolve the impeded? No. 84. And can they do so through another? No. 90. Bull of Innocent XII concerning the stipend of beneficed priests for Masses. Book 6, No. 321. See also. No. 322. See also. Question 5. Bulls of Innocent XIII and Benedict XIII concerning whether Bishops can celebrate in private homes. No. 358. Bull concerning Speculators. No. 970. Bulls concerning the Immaculate Conception of the Blessed Virgin. Book 7, No. 244. Bull of Benedict XIV concerning the intention required for administering the sacrament. Book 6, No. 23. See also. Ibid. Concerning the valid ordination of infants. No. 80. Concerning the Baptism of the children of the unfaithful. Nos. 426 and following. Concerning the minister of Con-

Translated by churchlatin.ai, a product of Boyne Archives

firmation. No. 470. Concerning the stipend for Masses. Nos. 321 and 322. Concerning the Mass of the parish priest for the people. No. 525. Concerning private oratories. No. 359. See also. Concerning jubilees. Nos. 336 and following. Concerning conventual Masses. No. 328. Concerning confessors inquiring about the name of an accomplice. Nos. 491 and 492. Concerning those absolving an accomplice in a grievous sin. No. 663. Concerning confessors who are solicitous. No. 875. Ceremonies in the Sacraments. Book 6, No. 42. See also. No. 2. Ceremonies in Baptism. No. 140. In the Mass, see the Rubrics. Does one gravely sin by omitting ceremonies of the Mass in a notable part? No. 400. It is not licit to celebrate a fictitious Mass. Book 6, No. 358. If the chalice is desecrated. Book 6, No. 370. If it were lacking. Ibid. Question 2 and Question 3. Concerning the material of the chalice. Ibid. No. 370. Question 3. If the cup is separated from the base. Ibid. Who can consecrate chalices and patens? No. 381. If the chalice is broken, can it be used for profane purposes? No. 371. See also. Parts.

[*Latin ed. p. 452*]

Lime. Whether it is permissible to cook lime on a feast day? Book 4, chapter 300. Exchange, and Exchange Rate. What is the exchange, and at what rate? Book 4, chapters 850 and 854. Concerning actual exchange. Chapter 853. Concerning dry exchange, and the exchange of Frankfurt. Chapter 854. Concerning adulterated money. Chapter 855. Concerning a servant who exchanges the master's money. Chapter 856. Chancery. Do the rules of the Roman Chancery obligate? Book 4, chapter 406. See also. Are candles necessary in the Mass? And how many? Book 6, chapter 394. What if it is to be celebrated to give Viaticum? Ibid., see in the rubric. What if they are lacking while the celebration is taking place? Ibid. Whether it is permissible to use candles made of oil or tallow. d. n. 394. Doubt 4. To celebrate with one candle. Ibid. Doubt 2. Whether it is permissible to use four candles; and by whom. Ibid., see. Note. Canon. Sacred canons concerning the observance of propriety in appointments. Book 6, chapter 66. In the canon of the Mass, if something is omitted. Chapter 405. It is not permissible to add the name of another saint in it. Chapter 441. See also. Probably. Canonry, and Canon. What are canons required to restore, if they do not attend the choir, or do not chant? Book 4, chapter 675. What if other canons remit their distributions to each other? Ibid. Doubt 2. Do they gravely sin by not attending? Ibid. Doubt 4. Are the distributions valid, if they attend, but do not chant? Ibid. Doubt 3. What if they chant submissively? Ibid. Doubt 4. Non-resident canons lose their distributions and their prebend. Book 5, chapter 429. What causes excuse canons from attending the choir? Chapter 430. And what infirmities? Ibid. Are those aged seventy excused? Ibid. Doubt 4. Are the blind and deaf excused? Ibid. Doubt 2. What necessity excuses? d. n. 430, see II. What if a canon is absent from the choir due to an incurred excommunication? Ibid., see also. With what,

Translated by churchlatin.ai, a product of Boyne Archives

however. What if the Church is interdicted, or polluted? Ibid. See also. When. Do irregular canons lose their distributions and their prebend? Ibid. See also. It is asked. Does utility excuse? Book 5, chapter 430, see III. What about a canon sent to the threshold of the Apostles? Ibid., see also. Also. What about a canon penitentiary? Book 5, chapter 434. What about a canon theologian? Ibid., see also. Likewise. What about examiners, and visitors? Ibid., see also. They feel. What about canons who teach? Chapter 432. What about students? Ibid., see also. The same. A canon must sing or chant in the choir. Book 6, chapter 326, see at the end. Can a bishop dispense with an illegitimate person for a canonry? Book 7, chapter 429. Are singers excused from fasting? Book 4, chapter 1049, see 4. They are excused. Chapel, and Chaplain. Does selling a movable chapel incur the penalties of simony? Book 4, number 405. A bishop's chaplain can say the office according to his own rite. Book 5, chapter 461, see also. According to. A chaplain can celebrate through another, retaining for himself the surplus of the stipend. Book 6, chapter 321, see III. Is it permissible for him to always celebrate through another? Chapter 330. If, lacking income, he is obliged to celebrate. Chapter 325. If he celebrates elsewhere than in the designated place.

[*Latin ed. p. 453*]

Or at the prescribed hour. n. 329. If it is possible, the Mass may be celebrated several times for those who are united, or it may be omitted. n. 332. If he is ill. n. 333. v. Question: May a chaplain of nuns celebrate Masses of the Saints about whom the nuns themselves recite the Office, and may he then use the Missal of the Order? n. 390. v. Confessors. A chaplain of a confraternity. n. 324. If the chaplain's office remains vacant. Ibid. Chaplains of the army cannot absolve soldiers stationed in fortifications. n. 577, at the end. "Capitale," see "Sors." If the chaplain's office remains vacant. Book 6, n. 324. "Capitulum." Can it enact laws? Book 4, n. 404. v. "Capitula." Can canons hold a chapter meeting during the time of the Office? Book 5, n. 134. v. "Sentiunt." When a see is vacant, it cannot grant dispensations, nor can it do so after a year in our kingdom. Book 6, n. 788. Can it grant permission to another bishop to exercise pontifical functions, and to ordain? Ibid. v. "Quamvis." Captive. Can captives in war flee? Book 4, n. 350. Can captives take the property of another in order to be freed from captivity? n. 520. v. "Sed hie." Is it permissible for Christian captives to revolt against Christians? Book 3, n. 73, 74, and 75. "Caput salvum." Is it permissible to make contracts under a "caput salvum"? Book 4, n. 909. v. "Qu." III. Prison and prisoners. Is it necessary to keep the oath of returning to prison? Book 4, n. 486. Is it permissible for the accused to flee from prison? Book 5, n. 280 and 284. And is it permissible to break out of prison? n. 282. And are they then liable for damages? Ibid. Is it permissible for others to help the accused to break out of prison? n. 283. Are prisoners excused from hearing Mass? Book 4, n. 325. And are they obliged to seek freedom in order to hear

Translated by churchlatin.ai, a product of Boyne Archives

Mass? Ibid. v. "Excom." Are those who fear imprisonment excused? n. 326. v. "Probabiliter." Before which priest must prisoners confess? Book 6, n. 409. "Cardinalatus" and "Cardinalis." How do declarations of Cardinals bind? Book 4, n. 406. v. "Quær." 2. Concerning the residence of Cardinals. Book 5, n. 124. Are religious who are promoted to the rank of Cardinal bound by their religious vows? Book 5, n. 2. Are they bound by the rules? Book 5, n. 3. Do they sin who present someone less worthy for the rank of Cardinal? Book 5, n. 94. A Cardinal can choose a confessor for himself. Book 6, n. 565. Can he also choose one for his family? Ibid. Doubt 2. Lack of a Breviary, see "Breviarium." Meats. Is it permissible for innkeepers or servants to serve meats on forbidden days? Book 3, n. 68 and 69. Is it permissible for Carthusians to abstain from meats even in extreme necessity? Book 4, n. 370. Of what animals are the meats forbidden during fasts? Book 4, n. 404. To which children may meats be given? n. 1042. Are those who are dispensed to eat meats bound to a single meal, and to abstain from fish? n. 1043. And see the Bulls at the end of the work, issued by Benedict XIV on this point. Do these apply even during fasts outside of Lent? n. 1045, to VII. Are those who are dispensed...

[*Latin ed. p. 454*]

Concerning meats: Are only wholesome meats permitted? See above, question 5. What is the smallest amount of meat that may be consumed? Book 4, paragraph 1029, section 3. In confession. Carthusian. Is it permissible for a Carthusian to abstain from or eat meat in extreme necessity? Book 4, paragraph 370. Cheese. Is a small amount of cheese permitted in a fast meal? Book 4, paragraph 1027. Chastity. What if spouses vow chastity to each other? Book 4, paragraph 536. Is it permissible to marry someone who has taken a vow of chastity? Book 3, paragraph 60. And is it permissible to have marital relations with them? Paragraph 61. For those who are sixty years old and whose vow of chastity has been commuted to fasting, are they obligated to fast? Book 4, paragraph 1040. Is it permissible to kill someone who has violated chastity? Book 3, paragraph 391. Is a rapist who has taken a vow of chastity obligated to take the violated person as a spouse? Book 4, paragraph 649. Vow of chastity. See Vow. Camps. Do those who hear Mass in camps fulfill their obligation? Book 4, paragraph 319, at the end. Castration. Is it permissible to castrate boys? Book 4, paragraph 274. Does the reservation of a case in the Jubilee year cease to be valid through a confession that is invalid? Book 6, paragraph 537. Question II. If someone forgets a reservation made in the Jubilee year, can they then be absolved by anyone? Ibid., Question IV. If someone is absolved from a reservation at the point of death, are they then obligated to go to a superior afterward? Paragraph 567. Can everyone who is approved at the point of death absolve others from reservations, even if a superior is present? Book 6, paragraph 563. Doubt 4. What cases can religious individuals reserve? Paragraph 583.

Translated by churchlatin.ai, a product of Boyne Archives

Can someone with a permanent impediment be directly absolved from reservations? Paragraph 585. Doubt 4, and Book 7, paragraph 82. If it is urgent to receive Holy Communion, is someone with a reservation obligated to confess to a simple confessor? Book 6, number 585, doubt 2. And are they then obligated to confess the reservation that they have made? Ibid., verse 3. When does someone with a reservation say that they are leaving in bad faith? Number 589. See how. Are you in doubt whether you have committed a reserved sin? Number 600. What if you later find out for certain? Ibid., Question II. Sinning in reliance on a license. Paragraph 601. Does a license for reservations apply to sins committed after it? Ibid., Question IV. Can bishops absolve pilgrims from papal reservations that are hidden? Book 6, number 583. Those who are unaware of a reservation made by the Pope. Number 580. What if it is by a bishop? Number 591. See other numbers, 578 to 602. Concerning the faculty in this chapter. Is it permissible? Book 7, paragraph 75. Also concerning cases after the Council of Trent. Book 6, paragraph 594. Can bishops delegate this faculty? Book 7, paragraph 80. Do they have this faculty concerning cases involving Bulls of Communion? Paragraphs 82 and 82. Concerning those who are impeded? Paragraphs 84 and following. And can they absolve these individuals through another? Paragraph 90. What cases can mendicant friars absolve? Numbers 94 to 407. Cases and censures that are absolved in the Jubilee year. Book 6, paragraph 537. See Question VIII. Cathedral. In cathedrals, collegiate churches, and monasteries, Mass should be said daily and sung. Book 6, paragraph 314. To whom should this be applied? Paragraph 326. And should it be a votive Mass? Paragraph 419, at the end.

[*Latin ed. p. 455*]

The Merchant. Whether it is permissible to give wine to drunken persons, or meat on a forbidden day? *l. 3, n. 69, and l. 4, n. 1030*. We inquire here, Part III, concerning the matter of an oath. Whether an oath must be observed if the reason for it has ceased? *l. 4, n. 188*. Causes for dispensing with vows. *n. 250*. Whether vows can be annulled by superiors without a just cause? *n. 228*. Causes for disinheriting sons. *lib. 4, n. 341*. When are causes of private law to be considered in relation to restitution? *n. 573*. What if the cause of a donation has ceased? *l. 4, n. 737*. What if the donation was only intended to entice? *n. 736*. In a donation for pious purposes, is acceptance required? *l. 4, n. 726*. Concerning testaments for pious causes, *n. 922*. Are those who labor without a just cause excused from fasting? *n. 1466*. Causes excusing pastors from residence. *l. 5, n. 125*. Causes excusing canons from the choir. *n. 130*. Causes excusing clerics from reciting the Divine Office. *l. 6, n. 454*. Just causes for interrupting the Divine Office. *l. 5, n. 168*. Causes for inverting the order of the Divine Office. *n. 170*. Just causes for postponing or anticipating the recitation of the Divine Office. *n. 172*. Just causes for alienating ecclesiastical goods.

Translated by churchlatin.ai, a product of Boyne Archives

l. 5, n. 487. Note IV. What if the alienation occurs without a cause? *ib.*. If, however... What ecclesiastical goods can be alienated without a special cause? *ib.*. Note VI. Causes for granting dispensations in marriage announcements. *l. 6, n. 1004, 1005, and 1008*. They must be true, in order that the dispensation may be valid. *l. 6, n. 4131, Not. 2*. Does a dispensation cease when the cause ceases? *n. 4132*. In case of doubt, whether the cause was falsely alleged, or whether it was truly alleged? *n. 1133*. Due to the lack of a just cause, a censure is invalid. *l. 7, n. 66*. Do clerics or monks, if they are in a state of mortal sin, participate in the Holy Sacrifice? *n. 467 and 468*, concerning the celebrant and the act of celebrating. Is a parish priest bound to celebrate for the people? *l. 4, n. 359*. How many sins does the celebrant commit in a mortal state? *l. 6, n. 33*. Here. If, during the celebration, he remembers that he is in a state of mortal sin. *l. 6, n. 226*. Here. If he remembers that he is not fasting. *n. 287*. Can a person who is not fasting offer the Sacrifice? *n. 289*. Can someone who is not fasting celebrate to avoid death, or without vestments or a chalice, or outside the altar? *n. 289*. Concerning the offering and the reception of Communion. *ib.*. Here. Celebrating without a minister. *n. 391*. What if the minister leaves, or pronounces the words incorrectly? *ib.*. Probably. Celebrating with only one present. *ib.*. Regarding that. Celebrating with a false birth. *n. 298*. Celebrating privately on the Lord's Day or on Holy Saturday. *l. 6, n. 350*. When and how often should one celebrate? *n. 340*. In what place should one celebrate? *n. 356*. What is required for celebrating? *n. 372*. Censure. When do censures for sacrilege incur ex opera facto? *lib. 4, n. 44*. Can a priest absolve from reserved censures in articulo mortis, even if a superior is present? *l. 6, n. 563*, see Doubt 4, and n. 567, and *l. 7, n. 94*. What if the case is of papal censure? *n. 92*. If a confessor can absolve a dying person from censures. *l. 6, n. 540*. Can bishops absolve from reserved matters imposed by other bishops with a censure? *l. 6, n. 594*, see Doubt 6.

[*Latin ed. p. 456*]

Censure: What it is. Book 7, paragraph 4. Is censure an irregularity? Paragraph 5. What is the extent of censure? Paragraph 6. Are censures pronounced by a Bishop in a Synod perpetual? Etc. Ibid. What are reserved matters, and what are matters to be referred for judgment? Paragraphs 7 and 8. Who can pronounce censure? Paragraph 9. Who can be subject to censure? Paragraph 15. Can a community be subject to censure? Paragraph 19. Can regular superiors pronounce censures on those under their jurisdiction who reside elsewhere? Paragraph 20. Can a Bishop pronounce censure outside his diocese? Paragraph 21. Can a superior bind a subject who resides elsewhere? Paragraph 22. What if a subject sins outside the jurisdiction? Paragraph 23. What if the sin occurs within a monastery? Paragraph 24. Concerning subjects who are not under one's jurisdiction. Para-

Translated by churchlatin.ai, a product of Boyne Archives

graphs 26 and 27. Can several censures be imposed? Paragraph 28. For what reason can censure be imposed? Paragraph 29. Does censure incur for a venial sin? Paragraphs 30 to 32. Does the precept of censure impose a grave obligation? Paragraph 33. Must the act be external? Paragraphs 34 and 35. Must the act be consummated? Paragraph 36. Do those who impose the censure incur its penalty? Paragraphs 36 to 39. Do those who advise, if they revoke their counsel? Paragraph 40. Is one's own culpability required? Paragraph 41. What constitutes an excuse? Paragraph 42. Does ignorance suffice? Ibid. to 45. Does crass ignorance suffice, or only affected ignorance? Paragraphs 47 and 48. Does fear suffice? Paragraph 46. Does censure incur for a past sin? Paragraph 49. Can censure be imposed for future delicts? Ibid. Censure is invalid due to a defect in: 1. The person imposing it. Paragraph 50. 2. The order of judgment. Paragraphs 51 to 65. Can censure be imposed conditionally? Paragraph 63. What if a creditor extends the deadline? Paragraph 63. 3. Due to a lack of a just cause. Paragraph 66. In case of doubt, does one incur censure? Paragraph 67. In case of doubt, is the censure just? Paragraph 68. Who can absolve from censures? Book 7, paragraph 69. Who can absolve from reserved matters? Paragraph 70. Who can absolve from minor excommunication? Paragraph 71. Who can absolve from censures imposed by a private individual? Paragraphs 72 and 73. Concerning the faculty to do so. It is permissible. Paragraph 75. Can Bishops absolve those who are impeded from going to Rome? Paragraphs 84 and following. Also, can another do so? Paragraph 93. Are those who are impeded obligated to go to Rome by letter? Paragraph 89. But can they go to the Bishop? Paragraph 94. Are they obligated to present themselves to him afterward? Paragraph 92. Concerning the faculty of beggars. Paragraphs 94 to 107. Does one who has a faculty over Papal matters also have a faculty concerning censures by Bull? Paragraph 440. Does one who has a faculty concerning cases by Bull also have a faculty concerning heresy? Paragraphs 442 to 443. Concerning the faculty during a Jubilee year. Paragraphs 441 and 445, and Book 6, paragraph 537. Question 8. How is absolution from censures to be given? Book 7, number 446. Violation of the precept of censure incurs an irregularity. Paragraph 357. Tithes. When is it lawful? Book 4, paragraph 839. Is a personal tithe lawful? Paragraph 840. Does the tithe perish with the thing? Paragraph 841. What if an insurance agreement is in place? Paragraph 842. Concerning a tithe that can be redeemed by either party. Paragraph 843. Concerning a vital tithe. Paragraph 844. The conditions required by the Bull of Nicholas V. Paragraph 845. The conditions required by the Bull of St. Pius V. Paragraphs 846 to 849. To ascertain. In the renewal of marriage, if a nullity is due to a feigned consent, must the party who was ignorant of the consent be informed of its nullity? Book 6, paragraph 444. What if it is due to a hidden impediment? Paragraph 445.

Translated by churchlatin.ai, a product of Boyne Archives

What if it is a matter of necessity?

[*Latin ed. p. 457*]

4446. How can consensus be established? See n. 4447 and in *Praxis Confess.* n. 85. The certainty required for taking an oath. See l. 4, n. 448 and 462. The certainty of the debt required for the obligation of restitution. See l. 4, n. 34-35. The certainty required for compensation. See l. 4, n. 521, note 3. Cessation, and to cease. Does the cessation of the final cause in a promissory oath excuse [the obligation]? See l. 4, n. 488. Cessation of a purpose in law. See l. 4, n. 499. Cessation from divine law. See l. 7, n. 4 and n. 340. If the cause ceases, does the dispensation cease? See l. 6, n. 4432. Does the cession of property excuse from restitution? See l. 4, n. 699. Charity. When and how does the precept of charity obligate us towards God? See lib. 3, no. 22 and following. How does it obligate us towards our neighbor? What order must be observed? See l. 3, no. 25. Doubt I. Concerning the love of enemies, see there. Doubt II. Concerning almsgiving, see there. Doubt III. Concerning fraternal correction, see there. Doubt IV. When does charity towards our neighbor excuse [one] from working on a feast day? See l. 4, n. 294. When does charity excuse pastors from residing [in a particular place]? See l. 5, no. 125. See also I. Is attrition required? See l. 6, n. 440. Charity to be exercised by confessors with penitents. See *Praxis Confess.* at the end, n. 3, ad. 5. Cards. Is the game of cards forbidden to clerics and religious? See l. 4, n. 900 and 901. Cards, if swallowed, do they break a natural fast? See l. 6, n. 281. Is the person reading a confession document bound to seal it? See l. 6, n. 650. Absolution document. See *Schedula*. A working man, can he celebrate the sacraments? See l. 6, n. 244. A written agreement. Is it permissible to buy a usurious written agreement? See l. 4, n. 829. What is chiromancy, and is it permissible? See l. 4, n. 9, note 8. A surgeon. Does a surgeon sin if, while treating a patient, he foresees pollution? See l. 4, n. 483, note. What is more, can a cleric or monk practice medicine? See l. 7, n. 384, ad V. Chocolates. Is it permissible to drink chocolate during a fast? See l. 4, n. 4023. Chorea. Is it permissible to lead dances? See l. 4, n. 429. Choir. Are canon regulars excused from singing in the choir? See l. 5, n. 430. See also Doubt I. Are the blind and deaf excused? See there, Doubt 2. Are excommunicated persons excused? See there. See also "But when..." Are religious obligated to recite in the choir? See l. 5, n. 443. Do prelates sin gravely by neglecting the office of singing in the choir? See there, note 2. Are bishops obligated to recite the Hours in the choir? See l. 5, n. 443, note 2. Are those serving in the choir obligated to make up for omissions? See there, note 3, n. 465, at the end. Is a minor omission in the choir sufficient for mortal sin, as opposed to a private recitation? See l. 4, n. 443, note. They ask. If you recite in the choir, are you obligated to repeat what you do not understand? See l. 5, n. 463, note. Question II. Does a deaf or hard-of-hearing person satisfy the obligation by reciting in the choir? See

Translated by churchlatin.ai, a product of Boyne Archives

there, Question III. Is there a grave obligation to recite the office in order and at the appointed hours in the choir? See l. 5, n. 474.

[*Latin ed. p. 458*]

Chrisma. The Bishop bestowing the Chrisma in cases of mortal sin. Book 6, paragraph 39. Baptizing without the unction of Chrism. Paragraph 441. Can Christians seize the goods of Turks? Book 4, paragraph 525. Did Christ specifically determine the matter and form of all the Sacraments? Book 6, paragraph 12. Ciborium, see Pyxis. Food. Is it permissible for someone who desires to break their fast to eat food? Book 3, paragraph 80. Is it permissible to cook food on a feast day, even for enjoyment? Book 4, paragraph 298. Is it permissible to take food, or to spit it out immediately after Communion? Book 6, paragraph 283. Is it permissible to celebrate Mass on the night of the Nativity of the Lord immediately after having eaten? Paragraphs 283 and 289. See here. Cincture: When is it to be worn? Book 6, paragraph 574. It should be made of linen, not silk. Paragraph 444, section 12. Priests. How was circumcision originally performed? Book 6, paragraphs 3 and 4. Does a subsequent circumstance invalidate a promissory oath? Book 4, paragraph 187. See, but it is doubtful. What about a subsequent circumstance concerning a vow? Paragraph 226. What if it is a vow of chastity, or of religion, or a solemn vow? Book 5, paragraph 50. Are circumstances that aggravate the offense to be considered? Book 6, paragraphs 467 and 468. What about theft? Paragraph 458. What about incest? Paragraphs 469 and 470. Are circumstances that diminish the offense to be considered? Paragraph 471. See 6. Cited. Are witnesses who are cited obligated to testify truthfully? Book 5, paragraph 270. See, Doubt 2. Citizen. Can a legacy be left to citizens by foreigners? Book 4, paragraph 930. See, Doubt 2. Clandestinity. Does a clandestine marriage suffice for betrothal? Book 6, paragraph 841. See, this. Concerning clandestine marriages due to the omission of announcements. Paragraphs 989 to 992. Concerning clandestine marriages due to the lack of a parish priest and witnesses. Paragraph 1078. Is a person who is lame considered irregular? Book 7, paragraph 107. What does a codicillary clause mean? Book 4, paragraph 919. See, Regarding the Will. What about clauses added to dispensations? Book 4, paragraph 204. What are derogatory clauses? Book 6, paragraph 594. Concerning a clause in validating a marriage: Provided that the hidden impediment is known. Paragraph 1144. Concerning a clause: "The woman is informed of the nullity of the prior consent." Paragraph 1145. Concerning other clauses. Paragraph 1143. The enclosure of religious. See Book 5, paragraph 37. See, Regarding the Greater. The Bishop can reserve cases concerning the enclosure of nuns, even those who are exempt. Book 6, paragraph 632. Question 7. Concerning excommunication against those who violate the enclosure of nuns. Book 7, number 221. Against nuns who violate their enclosure. Paragraph 229. Can a nun who secretly breaks her enclosure be absolved by the Bishop? Book

Translated by churchlatin.ai, a product of Boyne Archives

8, paragraph 594. Against women who violate the enclosure of religious. Book 7, paragraphs 230 and 231. Against those who converse with nuns. Paragraphs 232 to 232. See other words. Nun.

[*Latin ed. p. 459*]

Cleric. What are the fourfold goods of clerics? See "Goods." Is a cleric who receives a benefice the lord of the fruits of that benefice? l. 4, n. 491, v. IV. Is it permissible for a cleric to kill a thief? l. 4, n. 384. And does he incur irregularity by doing so? Ibid. And is it permissible for a cleric to condemn guilty parties to the penalty of death? l. 4, n. 378. What are the penalties imposed on clerics who are concubinaries? n. 442. What hunting is forbidden to clerics? n. 606. What commerce? l. 4, n. 831. What if they engage in commerce through another? n. 833. What if they engage in commerce in another's name? n. 832 and 833. Is it permissible for a cleric to buy animals in order to fatten them in his pastures? n. 834. Is it permissible to fatten them in another's pastures? n. 835. Is it permissible for a cleric to buy a field with its fruits? n. 846. Is it permissible to buy wool in order to sell cloth? Ibid. Is it permissible to engage in commerce for one's own needs, or for the needs of one's family? n. 837. Is it permissible for a cleric to act as a merchant? n. 838. v. Very much so. Can a bishop prevent clerics from entering a religious order? l. 5, n. 75. v. He declares. About which fruits of benefices can clerics dispose? l. 5, n. 487. About the habit and tonsure of clerics. l. 5, n. 488, and l. 6, n. 805. v. Four. What arts are forbidden to clerics? l. 5, n. 189. What offices? l. 5, n. 190. What actions? n. 491. For whom is it forbidden for clerics to act as advocates? l. 5, n. 219. About the game of dice forbidden to clerics. l. 4, n. 895. Is the game of cards forbidden? n. 900. What if one only assists players? n. 903. About the will of clerics. n. 929. If a cleric, having received the habit, wishes to be initiated into the sacred order, can he be absolved? l. 6, n. 63 to 77. Can a simple cleric absolve a dying person from censures? l. 6, n. 540. He is bound to wear the habit and tonsure. n. 825. When does he lose these privileges? n. 827. Can a cleric become a religious against the will of the bishop? l. 6, n. 828. What should clerics do if an excommunicated person refuses to recant? l. 7, n. 176. About excommunication for striking a cleric. l. 7, n. 264. Who is liable if someone is struck in the name of a cleric? n. 270. Striking one cleric for another. l. 7, n. 275. If a cleric who is assisting is struck. Ibid. If someone offers poison to a cleric. n. 280. v. Doubt 2. A cleric cannot practice medicine in the sacred rites with incisions or cauterizations. l. 7, n. 384 to V. Is it permissible for a cleric who receives a benefice? l. 7, n. 385. Do clerics who assist at executions sin? n. 463. What if they become involved in matters of blood? n. 467, and n. 368, to III. Codicil. About the requirements for a codicil. l. 4, n. 949. v. Regarding a codicil. And what is the importance of a codicillary clause? Ibid. Blind. Are canonical blind men excused from the choir? l. 5, n. 430. Doubt 2. Is he irregular? l. 7, n. 404. Can the Pope dispense with the blindness of a cleric?

Translated by churchlatin.ai, a product of Boyne Archives

n. 444. Celibacy to be observed by clerics in the sacred rites. l. 6, n. 806 to 812. How is the chalice to be purified? l. 6, n. 363, at the end, and 364. Lord's Supper. Can it be celebrated privately in it? l. 6, n. 350. Compulsion. Can one who compels another to play retain the winnings? l. 4, n. 840.

[*Latin ed. p. 460*]

Cogitation. Whether it is permissible to delight in the thought of a sinful object? Book 2, no. 47. Whether sinful thoughts entertained within the Church are sacrilegious? Book 2, no. 462. Kinship, and Relatives. See "Near Relative." Legal kinship. Book 6, no. 1027. Spiritual kinship: from whom and when is it contracted? No. 4028. Carnal kinship. No. 4029. The tree of kinship. No. 4030. Cohabitation. Spouses are bound by it. Book 6, no. 939. The wife is bound to follow her husband in matters of cohabitation. No. 977. Collation, and Collationer. Of whose goods must a collation be made among brothers? Book 4, no. 954. How are benefits acquired through collation? Book 5, no. 85. Who are the collationers of benefits? No. 86. Collation of Sacraments, see "Sacrament." Small collation. What quantity is permitted in a small collation during fasting? Book 4, no. 1025. And what is permitted on the eve of the Nativity of the Lord, Easter, or Pentecost? Ibid. Regarding the eve. What quality of food is permitted? No. 4026. Are eggs permitted? No. 4027. Is a small amount of cheese permitted? Ibid. Are fish permitted? No. 4028. Is cooked bread permitted? No. 4029. Is broth made from herbs, and are legumes permitted? Ibid. Probably. A collection, when can it be said to be probable, by order of the Bishop? Book 6, no. 444. Probably. A collection made out of devotion. Ibid., at the beginning. Conversation with Nuns, see "Nun." Tenant farmer, see "Lease." Color, see "Vestment." To eat, and to consume. Is the precept concerning meat lifted by a single dispensation to eat? Book 4, no. 4043. Is the consumption of fish forbidden to some? Book 4, no. 4044. Is the one who eats forbidden things culpably bound to abstain from them during fasting? Book 4, no. 4030. What if he does so innocently? Ibid. Question II. Commemoration of the Dead if it occurs on a Sunday. Book 6, no. 424. Can an indulgence be gained on that day? No. 338. See "Deceased." Commissary. What may commissaries receive? Book 5, no. 247. Commixion. How is ownership acquired through commixion? Book 4, no. 498. What if you receive from a thief a thing commixed with its own? No. 644. What if, through such acceptance, the thief becomes unable to restore the thing? No. 642. Must a stolen thing commixed with one's own be restored first? Book 4, no. 686. What a loan is. Book 4, no. 744. See cases. No. 747. Communion with the avoidance of excommunication in divine matters. Book 7, no. 473, and no. 497, or in the same crime. No. 497. Civil communion. No. 488. Frequent communion: when is it mortal to avoid it? No. 498. When is a major excommunication incurred because of it? No. 499. When is it permissible? No. 200. Forbidden with Jews. Book 3, no. 48. Communion, and to communicate. Is it permis-

Translated by churchlatin.ai, a product of Boyne Archives

sible to simulate communion? Book 6, no. 64. Can it be administered in a Requiem Mass? No. 249. At what hour? No. 252. On the night of the Nativity, on the Friday, and on Holy Saturday?

[*Latin ed. p. 461*]

Here follows the translation of the provided Latin text:

Ibidem, volume, page. Thus. How often is the parish priest obligated to administer Holy Communion? No. 253. Daily Communion. No. 254, and more fully in *Praxis Confessariæ*, No. 151. Preparations for Holy Communion. No. 275. When may one receive Holy Communion without having previously confessed? No. 257. Does involuntary pollution, or marital intercourse, prevent one from receiving Holy Communion? No. 271. May it be given before complete penance is fulfilled? Book 6, No. 527. May one who is doubtful about a mortal sin receive Holy Communion? No. 475. May one who is suffering from leprosy receive Holy Communion? No. 275. May a girl who is menstruating receive Holy Communion? Ibidem, page. Answer: No. May one who is carrying arms receive Holy Communion? Ibidem, page. It is fitting. Regarding the fast required for Holy Communion. Nos. 277 to 281. Holy Communion in private chapels. No. 359. See questions. Is Holy Communion required by necessity of means? No. 290, see No. 492. Holy Communion in danger of death. Nos. 291 and 292. Should it then be given to children? No. 293. Paschal Communion. Nos. 294 to 299. Should it be administered in the parish? No. 300. Holy Communion for children during Easter. No. 301. Should it be given to the elderly, the simple-minded, the mute, and the deaf, and those who are possessed? Nos. 302 and 303. Is Holy Communion required for the reception of the Holy Orders? No. 804. See Requirement XIII. Approaching Holy Communion with habitual venial sin. Book 6, No. 270. With actual venial sin. Ibidem, see Question II. Are those who have received Holy Communion obligated to confess as soon as they remember, etc.? No. 268. May one who is doubtful about the fast receive Holy Communion? Book 6, No. 282, at the end. Is it permissible to give Holy Communion to a secretly sinful person? Book 3, No. 62, and more fully Book 6, No. 658. If a person is excommunicated, is the excommunication valid and effective? Book 7, No. 49. If suspended, are all individuals suspended? No. 317. If Masses are assigned to be celebrated for a community, for how long may they be postponed? Book 6, No. 317. See Note. To exchange, and the exchange. Who may exchange penance, and under what circumstances? Book 6, No. 528. The exchange of vows during a jubilee. No. 526, below, at XI. Comedy. What constitutes a shameful comedic act? Book 4, No. 427. What constitutes composing and representing [a comedy]? Book 4, No. 428. Compensation. When, and how, may compensation be made? Book 4, No. 521. May it be made with a probable opinion of legal certainty in certain cases? Book 4, No. 53. May one compensate for damage to reputation with money? Book 4, No. 4001. May

Translated by churchlatin.ai, a product of Boyne Archives

reputation be compensated with reputation? No. 999. See questions. May one compensate for defamation with money? Book 4, No. 4000. May a legatee compensate himself for a legacy from an informal will? Book 4, No. 35, in Note. May a son compensate himself for wages earned through his work? Book 4, No. 544. May servants compensate themselves for wages owed to them? Book 4, No. 349. Should complicity in confession be withheld? Book 6, No. 489. Should the penitent then go to the confessor who is unaware of the accomplice? Ibidem, page. He is obligated, and No. 490. It is forbidden to inquire about the name of the accomplice under pain of suspension of sentence. Nos. 491 and 492. However, to teach the opposite is subject to a papal excommunication, immediately. Ibidem, No. 494. Complicity in a heinous sin is not permitted.

[*Latin ed. p. 462*]

absolvi a complice. n. 553. What is to be understood by the name of a shameful sin. n. 554. The sins of an accomplice fall under a certain category. n. 640, regarding II. Is the accused obligated to reveal accomplices? l. 5. n. 278. Composition regarding uncertain debts. l. 4. n. 591. Conception. Dissertation on the Immaculate Conception of the Blessed Virgin, l. 7. n. 214. Vow to found a religious house, etc. n. 263. Sermon, Preacher, and to Preach. Does a preacher sin mortally if he preaches in a mortal sin? l. 6. n. 44. Is there an obligation to hear sermons? l. 4. n. 269. How is the obligation to hear a sermon prescribed? l. 4. n. 308. It is not lawful to hear the sermons of heretics. l. 3. n. 46. Regarding the obligation of Bishops and pastors to preach. l. 4. n. 269. When are preachers excused from fasting? l. 4. n. 1049, v. 3. They are excused. When are they excused from reciting the Divine Office? l. 5. n. 456. v. They are excused. Concordat of our kingdom concerning the ordination of clerics. l. 6. n. 830. Concubinage, and a Concubine. Can a cleric in concubinage be absolved, who cannot dismiss the concubine without infamy? l. 4. n. 435. v. Hence. Does a promise to dismiss the concubine suffice? n. 436. Does a concubine not departing due to necessity suffice? n. 437. Penalties for clerics in concubinage. n. 442. Penalties for clerics in concubinage, ibid., regarding III. Carnal relations. Is every carnal act between a man and a man sodomy? l. 4. n. 466. v. It is inferred. What if it is with a woman? ibid. v. It is inferred. See other words: Union and to Lust. Is a woman excused from Mass if she avoids the gaze of a man who lustfully desires her? l. 4. n. 334. Lust. Does lust remove free will? See regarding human acts, l. 2. n. XXIII to XXV. To Concur, and Concurrence. Does one sin who concurs in the appointment of another to a benefice who is more worthy? l. 5. n. 440. Is the one who, through concurrence, chooses a less worthy person for a benefice obligated to make restitution? n. 409. Condition, and Conditional. Does a condition render a Sacrament valid, and when? l. 6. n. 25. v. I have said 2, and n. 26. Is it lawful to administer a Sacrament under a condition? d. n. 25. v. I have said

Translated by churchlatin.ai, a product of Boyne Archives

2, and v. 4, and n. 27. Can the Sacraments be repeated under a condition for a certain reason? n. 28. Absolution under a condition. n. 431 and 432. Regarding betrothals under a condition, if the Pope grants a dispensation. n. 843. A condition imposed in renewing a marriage: Provided that a hidden impediment exists. n. 4414. Condition, A woman informed of the nullity of the marriage, etc. n. 4415. v. Furthermore. A condition regarding a person, annulling the marriage. n. 4017 to n. 4023. A promise of marriage under a condition made by an adulteress, does it create an impediment? n. 4040. Censures under a condition. l. 7. n. 63. Conditions for one to be able to impose censures. l. 7. n. 42. Conditions for one to be subject to censures. n. 43. Absolution from censures given under a condition. n. 423. Does one sin who prevents the fulfillment of a condition of his vow? l. 4. n. 248. Regarding conditions imposed in vows. n. 219. Are vows

[*Latin ed. p. 463*]

Conditional matters concerning chastity, or religious vows, are reserved? n. 264. Concerning the conditions required for absolution. Book 2, n. 2. Concerning the conditions required for demanding interest in a loan due to emerging damage, or accruing profit. n. 769. Concerning the conditions required for a society. n. 905. Concerning the conditions required for a religious profession. Book 5, no. 5. Conduct, and a conductor, see Lease. Does reciting prayers during Mass satisfy? Book 4, n. 317. A conference on chaste conscience to be held by Regular Canons. Book 6, n. 628. See note. A confessor absolving in a mortal sin. Book 6, n. 36, and n. 617. What if urgent necessity arises? n. 33, and 617, at the end. If he absolves several successively. n. 36. Question 5. When is a sufficient number of confessors considered to be lacking? n. 264. How should one behave with those who are in danger of sinning? n. 452 to 458, and following. How should one behave with habitual sinners, and those who relapse? n. 459 to n. 454. Is it better to lean towards strictness, or towards leniency? n. 464. See also Certain and n. 605, and in the Practice of Confessors, n. 414. What if someone asks about a complice, and is denied absolution? Book 6, n. 491. Should this person be reported, and when? Ibid. Absolving a complice in a heinous sin. n. 553 to 555. What if he hears, but does not absolve? n. 536. Can he be absolved by the Bishop? Ibid. Question 2. Can an approved confessor absolve a dying person from reserved matters in the presence of the Bishop? n. 563. See Doubt I. Can this be done in the presence of a papal penitentiary? Ibid. See also, but more leniently, Book 7, n. 92, where it is absolutely affirmed that one is not obligated to go to the Bishop. Can he hear confessions without the invitation of the parish priest? n. 564. See by concession. A confessor for nuns must be appointed by the Bishop. Book 6, n. 576, even if the nuns are exempt. n. 577. An extraordinary confessor must be provided twice or three times a year. d. n. 576. What if Regular superiors or Bishops neglect to provide an extraordinary confessor? Ibid. An ordinary confessor cannot hear

Translated by churchlatin.ai, a product of Boyne Archives

the confessions of nuns, as long as an extraordinary confessor is present. Ibid. Can an extraordinary confessor be provided to any nun? Ibid. Are the confessors of nuns suspended after three years, etc.? Ibid. See Note 2. Does a lack of suitable candidates excuse the situation? n. 577. See also, note. Can nuns refuse a designated confessor? Ibid. See also, regarding this. Who are prohibited from being chosen as confessors? Ibid. Note 3. The salary of these confessors. Ibid. Note 5. A confessor who absolves under the pretext of privileges is excommunicated. n. 602. See also, the last part. The office of a confessor. n. 603. What if the penitent follows a contrary opinion? n. 604. The confessor must be certified of the disposition of the penitent. n. 606. Is he obligated to ask questions? n. 607. And in the Practice of Confessors, n. 21, and following. Prudence concerning questions. Book 6, n. 629. Should he instruct, and prepare? n. 608. Should he warn? n. 609 to n. 646. And in the Practice.

[*Latin ed. p. 464*]

n. 8. How to correct errors? n. 648, ad 622. And in Practice n. 446. Is he bound to hear the contrite? n. 523. What penance should he impose? n. 506. And in Practice n. 44. Is he bound to hear a dying man if it endangers his own life? l. 6, n. 624. Is he to inquire about sins? n. 626. Is he to ascertain whether he possesses the necessary knowledge? n. 627 and 628. Is he bound to receive and transmit denunciations? n. 699. See Admonitions. Concerning confessors who solicit, see Sollicitatio. Can all confessors absolve from censures imposed by law? l. 7, n. 70. And from excommunication minor? n. 71. What if the censure is imposed by a private person? n. 72. Or by a general decree? n. 73. Admonition to confessors. l. 6, n. 607. Is it permissible for an irregular confessor to warn a judge, so that the guilty party may be punished with death? l. 7, n. 464. The charity that should be shown by the confessor towards the penitent: see Practice of Confessors, n. 3 to 5. The correction to be made to the penitent: ibid., n. 5. The correction of errors committed by himself: n. 446. See Admonition. How should the confessor behave with children and young girls? Practice of Confessors, n. 90. With adolescents concerning the choice of state? n. 92. With scrupulous individuals? n. 95. With devout individuals? n. 99. With the mute and the deaf? n. 402. With those condemned to death? n. 408. How should he behave with souls striving for perfection? n. 422. And with those endowed with contemplation? n. 426. Is the confessor to absolve a penitent who wishes to follow a probable opinion? l. 6, n. 604. Also, a possessor with a probable title. l. 4, n. 35. And l. 4, n. 669. Can the confessor use a probable opinion concerning jurisdiction? l. 4, n. 50. And l. 6, n. 573. Does he validly absolve from a common error what he has the power to do? l. 6, n. 572. What if a putative title is also present? Ibid. The confessor, when asked about a confessed sin, can say that he does not know it. l. 4, n. 454. How should he behave with heretics and malefactors? l. 4, n. 28. Does the confessar, while

Translated by churchlatin.ai, a product of Boyne Archives

hearing a penitent, commit incest if he commits a sin? l. 4, n. 451. What if he foresees that he will be defiled in receiving confessions? n. 483. Can he absolve a debtor before restitution? n. 681 and 682. And should he warn him about restitution, if the warning will not be helpful? Ibid. Question 2. Concerning admonition about restoring honor. n. 988. When are confessors excused from fasts? l. 4, n. 1049. See 7. Confessors. When from reciting the Divine Office? l. 5, n. 456. See Excused. How should the confessor behave with the accused? l. 5, n. 286. How many sins does the confessor commit when absolving several successively who are in mortal sin? l. 2, n. 50. See Question 6. Confession and Confiteri. Is it sufficient to confess a sin desired by a neighbor, without specifying the species? l. 3, n. 30. See In confession. And l. 2, n. 50. See Question 5. Can a penitent deny a sin that has already been confessed? l. 4, n. 457. Can the name of a Saint be added in a general confession, said at Mass? l. 6, n. 441. See Probably. Is confession of mortal sins to be made before the administration of all Sacraments? l. 6, n. 30. See 3. And n. 34. Before Communion? n. 255. What if someone, after confessing—

[*Latin ed. p. 465*]

Should a mortal remember his sins? n. 257. See II. Question and III. Question. What if he doubts? n. 258. What causes excuse him from confession? n. 259, 260, and 261. What if a priest commits a grave sin or remembers a mortal sin while celebrating? n. 262. What if a layperson remembers something in the sanctuary of the communicants? n. 263. When is it considered that there is a lack of a confessor? n. 264. What if someone has a sin or a reserved excommunication? n. 265. How should the precept of confessing be understood? n. 266 and 267. Does this precept obligate the laity? n. 268. Must confession be materially complete? See book 6, n. 465. On the number of sins. Book 6, n. 466. On circumstances. n. 467 to 470. On doubtful sins. n. 472 to 478. When is a formally complete confession sufficient? n. 479. On the confession of the dying. n. 480. Confession must be verbal, secret, and true. n. 493. In articulo mortis, should a public confession be made? n. 494. He who lies in confession, namely, if he denies having confessed a venial or mortal sin, etc. n. 496. If you accuse yourself of a sin that you have not committed. n. 497. See "If anyone." Confession made to an excommunicated confessor. n. 498, or to a deaf person, an uneducated person, or one who does not hear a sin. n. 499. If the penitent is excommunicated. n. 501. If he confesses a complice. Ibid. n. 555. When and how should confession be repeated with the same confessor? n. 502 and 503. On rural people who have not explained the species or the number. n. 504. One is not required to repeat confessions unless it is established that they are invalid. n. 505. Confession for earning a jubilee. n. 536. Can confession be shortened by saying only the reserved sins, etc.? n. 595. The precept of annual confession. n. 662. Penalties for those who transgress. n. 674. Is a simple priest ever required to prepare himself to hear confessions? Book 6, n. 625. And in the Precepts

Translated by churchlatin.ai, a product of Boyne Archives

of Confession, n. 50. How should the confessions of children and girls be received? See Precepts of Confessors, n. 90. How should the confession of scrupulous people be received? n. 95. Of devout people? n. 99. Of the mute and the deaf? n. 102. Of the dying? n. 105. Of those condemned to death? n. 108. Of the possessed and those who consort with demons? No. 110. Where should the Confessional of Nuns be placed? Book 6, n. 577. See Note 4. On solicitude in the confessional. n. 680. To confirm, and Confirmation. What is the sacrament of Confirmation? Book 6, n. 164. On the remote matter. n. 162. On the proximate matter. n. 164. How should the unction be performed? n. 165. Its form. n. 167 and 168 and following. Effects of Confirmation. n. 169. See Three. Who is the minister, and what is the subject? n. 170 to 180. Must the one who confirms and the one who is confirmed be fasting? n. 174. Must Confirmation be administered in the Church? Ibid. See Question 2. And can it be conferred on a weekday and in the evening? Ibid. See Whatever. On the necessity of Confirmation. n. 181. On its ceremonies. n. 184. Is there a serious obligation to receive Confirmation? n. 184. See Great. At least before Tonsure? n. 183. Can a Bishop confirm someone who is not under his jurisdiction?

[*Latin ed. p. 466*]

Concerning the one approaching to receive the tonsure, with those dismissed from Holy Orders, number 788. Note 40. Whether those to be ordained must be confirmed? Number 786. Concerning the godfather in Confirmation, book 6, number 185. See Godfather. Confusion. How is confused possession acquired? Book 4, number 498. Congressus, see Concubitus. Conjugal act, see Dobitum conjugale. Can a married man be ordained? Book 6, number 812. Conjunctus, see Propinquus. Spouse: if he has intercourse, can he receive Holy Communion? Book 6, numbers 273 and 274. Are indecent touches, sights, and words permitted between spouses? Numbers 932 and 933. What about the danger of pollution? Number 934, or if the touches are exceedingly indecent? Number 935. A spouse indecently touching himself. Number 936. One delighting in the thought of an act of generation, whether performed or to be performed. Number 937. Is a spouse obligated to accept the other who has been reformed? Number 965. When can a spouse not depart from adultery? Numbers 966 and 969. To what are spouses bound? Book 4, number 351. Are touches permitted between spouses? Book 4, number 431, and book 6, number 932? Is the delight in the act of generation, whether performed or future, permitted? Book 2, numbers 23 and 25. Concerning donations between spouses. Book 4, number 723. Relatives in the fourth and second degrees may always speak with monks. Book 7, number 339. Truly regular relatives, only four times a year, with the permission of the Ordinary. Number 232. See also Concerning. To what is one bound who commits rape, if the violated girl is a relative? Book 4, number 650. What if he

Translated by churchlatin.ai, a product of Boyne Archives

promises a fictitious thing in order to obtain a dispensation? Ibid. See Major. Consanguinitas, see Cognatio. Conscientia (Conscience). What is conscience, and what is synderesis? Book 4, number 2. Concerning erroneous conscience, which is vincible, and which is invincible? Number 3. Should an erroneous conscience be followed? And does one merit anything by following it? Numbers 4, 8, 6, and 7. Can an invincible error occur concerning the precepts of natural law? Numbers 8 and 470. Does one sin by desiring, who believes that a wicked desire is not a sin? Number 9. Concerning a perplexed conscience. Number 46. Concerning a scrupulous conscience. Number 41. How should a confessor act towards scrupulous individuals? Numbers 12, 13, 14, and 15. What if the scruple concerns past confessions? Number 16. What if one is afraid of sinning in a good action? Numbers 47 and following. Concerning a doubtful conscience. Book 1, number 20. What is a negative doubt, and what is a positive doubt? Ibid. What is a speculative doubt, and what is a practical doubt? Number 21. Is it permissible to act with a practical doubt? Number 22. What if someone doubts whether an action is gravely or lightly evil? Number 23. What should be done in a practical, negative, or positive doubt? Ibid. and following. What if it is determined based on reflected principles? Number 25. What if someone doubts about the making of a vow? Number 29. And what if about the fulfillment of a vow? Number 29. If someone is in doubt whether any action is evil according to the precepts, is he bound to obey? Number 31. If someone doubts whether he has completed his thirty-first year, is he bound to fast? etc., number 32. What if someone is doubtful about a solution? Number 34.

[*Latin ed. p. 467*]

What if there is doubt as to whether a law has been promulgated, or received, or abrogated? n. 27. What is to be done in case of doubt regarding an impediment to marriage? n. 33. Concerning probable conscience. n. 40. What constitutes a tenuously probable opinion, a more probable opinion, a highly probable opinion, and a morally certain opinion? n. 40. DISSERTATION on the moderate use of probable opinions, or the Moral System. no. 55. The consecration of both species is necessary. l. 6. n. 496. Can the Pope dispense with this? n. 496. See Question 2. Is it valid in one species? Ibid. Question 3. What are the conditions for the matter of consecration? n. 214. The consecration of the chalice and the paten. n. 379. Do consecrated vessels remain consecrated if someone celebrates the Divine Liturgy in them? n. 380. Can abbots consecrate chalices for other churches? no. 381. Must the pyx be consecrated, or blessed? no. 384 and 385. Consent. Is it permissible to receive something from a lord based on a prior consent? l. 4. n. 700. See Question I. Concerning consent required for sin. l. 2. n. 5. Does one sin by having disordered movements? Ibid. n. 6. What if there are carnal movements? n. 7. What are the remedies for these? no. 8. What

Translated by churchlatin.ai, a product of Boyne Archives

if there is a reason for not resisting? n. 9. Consent for marriage, l. 6. n. 887. Conditioned consent. n. 892. What if the agreement is agreeable? n. 891. If the condition is: "If the father consents." n. 892. Is a new consent required once the condition is fulfilled? n. 895. Can the Pope dispense with consent for the revalidation of marriage? n. 898. See Prebatur 4, in footnote, and n. 610. See also: It is proven. If one spouse consents to the other's adultery, etc. n. 966. See Second. Divorce due to mutual consent. n. 975. Consent required in adultery for the impediment of the crime. n. 1037 and 1038. If the consent was feigned, or extorted by fear, how is the marriage to be revalidated? n. 1109. Is one who feigned consent bound to maintain that they gave true consent? n. 1113. Is one permitted to inform a spouse of the nullity of the marriage? no. 1114. How can consent be demanded from one who is unaware of the impediment? n. 1117. For the validity of a dispensation, principal consent is not required. l. 6. n. 1145. One who consents to another's detriment is bound to restitution. lib. 4. no. 566. Counsel, and the one giving counsel. Is the counsel given to a cleric, to kill him, and subsequently revoked, subject to censure? l. 7. n. 40. The one giving counsel to strike a cleric. n. 266. Concerning the one giving counsel regarding restitution. l. 4. no. 659 to 563. Is the one giving counsel to a bishop, not to confer a benefice on a more worthy person, bound to restitution? l. 4. n. 588 and l. 8. n. 468. To what is the one giving counsel to another, to lend to a usurer, bound? l. 4. n. 785. Are habitual offenders to be absolved? lib. 6. no. 459. See also the word Absolution. Is one to be compelled to make a habitual offender repeat his confessions? n. 508. See also: And concerning. A habitual blasphemer. l. 4. n. 127. Does custom confer jurisdiction? l. 6. n. 573. What condition?

[*Latin ed. p. 468*]

What customs are required? l. 4. n. 107. Concerning the effect of custom, and what if it is disapproved of by law? n. 408. v. But what if. What if a custom is revoked by law? n. 409. Can the vow of poverty be abolished by custom? l. 5. n. 35. What labors are excused on feast days by reason of custom? l. 4. n. 289. Is it permissible, by custom, to drive carts and animals? n. 276. v. Question. Is the statement of one person sufficient to establish a custom? l. 4. n. 107. v. And indeed, and l. 4. n. 290. v. Note. Is it permissible to consummate a marriage before the blessing? l. 6. n. 984. v. Dub. 2. Is the consummation of marriage required from both parties to establish affinity? n. 1075. Likewise, to establish bigamy. l. 7. n. 435. Is a consummated act required to incur censure? l. 7. n. 36. Likewise, for irregularity. n. 348. Contact with sacred things is forbidden to laymen. l. 6. n. 382. When is contempt mortal? l. 2. n. 64. and l. 5. n. 164. v. Fourth. Contract. What is it, and how many kinds are there? l. 4. n. 707. Concerning a contract made without the intention of entering into it. n. 709. Without the intention of obligating oneself. n. 710. Concerning a contract without

Translated by churchlatin.ai, a product of Boyne Archives

solemnities. l. 4. n. 454. and l. 4. n. 744. Concerning a contract concerning an immoral thing. l. 4. n. 742. And to whom must restitution be made at that time? Ibid. When does deceit or error invalidate a contract? n. 745. and 746. Does fear? See Fear. Concerning a gentile contract. l. 4. n. 842. v. If in a sale. Concerning a Mohatra contract. n. 843. v. Note. Concerning three contracts. n. 908. v. These. Concerning a contract to a safe head. n. 909. v. Question 3. Concerning an Assecuration contract. n. 941. Concerning a Pignoris contract. n. 943. Concerning an Antichriseos contract. l. 4. n. 946. Is theological fault required for restitution in contracts? l. 4. n. 554. Is it permissible to enter into contracts on feast days? l. 4. n. 285. Where must payment be made by reason of a contract? n. 678. Does contrition consist in sorrow or detestation? l. 6. n. 435. From what motive should it be elicited? n. 436. When does the precept of contrition obligate? n. 437. Are individual acts of contrition required for individual sins? n. 438. Is the act of faith and hope required for contrition? n. 439. Is contrition from charity sufficient for justification? n. 444. Is contrition sufficient to receive the sacraments? l. 6. n. 34. v. Second. See also Attrition and Sorrow. What is contumely? l. 4. n. 966. Is satisfaction due if the offended party has vindicated himself of contumely? n. 989. How many sins does he commit who is convicted of several contumelies? l. 2. n. 48. What if before many? n. 49. Convalescence excuses from the recitation of the Office. l. 5. n. 154. v. Note II. Conventual Mass is to be said daily. l. 6. n. 346. and 326. To be applied.

[*Latin ed. p. 469*]

Concerning Benefactors of the Church.

D.N. 326. Regarding the proper time.

164d. When celebrating Mass, one ought to await the end of the Creed.

n. 424 ad 3. If the Creed is recited before Matins, is this permissible?

n. 348. Cooperation, and to cooperate. What constitutes material cooperation, and what constitutes formal cooperation?

l. 3, no. 63. Causes excusing from material cooperation.

n. 59. Is it permissible to marry a sinner, or one who has taken a vow of chastity?

n. 60. Is it permissible to return a debt?

n. 61. Is it permissible to give Communion to a sinner?

n. 62. Is it permissible to give wine to drunkards, or forbidden foods?

n. 69 and 80. Is it permissible to rent a house to a prostitute?

n. 70. Is it permissible to sell swords, poisons, etc.?

n. 71. Is it permissible to buy from a Jew?

n. 72. Is it permissible for Christians to engage in usury, etc.?

n. 73. Is it permissible for a charioteer to take a prostitute?

n. 75, v. But rather. Is it permissible to accept gifts from a lover?

Translated by churchlatin.ai, a product of Boyne Archives

n. 76. Is it permissible to return a sword to one about to commit murder? Ibid., v. 2. But see the true opinion.

l. 4, n. 571, v. Otherwise. Is it permissible to ask for a loan from a perjurer?

n. 77. Is it permissible to borrow from a usurer? Ibid., v. 4, and n. 47.

n. 78. Is it permissible to assist a usurer?

l. 4, n. 789. Is it permissible to lend money to one who will abuse it?

l. 3, n. 78, v. 6. Is it permissible to ask for the Sacraments from an excommunicated person?

n. 79, and l. 7, n. 139. From a sinner?

l. 3, no. 79. Is it permissible to allow one who desires to break his fast?

n. 80. What cooperation is forbidden to servants? See v. Pamatus. Concerning those who cooperate to the detriment of others' goods.

l. 4, n. 571. What if someone cooperates out of fear to the detriment of another?

l. 4, n. 571, v. Second. When is the confession of a lack of confession said to be lacking?

l. 6, n. 264. Conjugal union. Does a conjugal union impede Communion?

l. 6, n. 273, and following. If a bridegroom forces a union after a vow of religion, is he bound to the marriage?

l. 6, n. 874. Is a divorce permissible because of a union without procreation?

n. 962, Qu. 111. It must be consummated in order to establish the impediment of affinity.

n. 1075, and bigamy.

l. 7, n. 436. See the conjugal duty.

Is it necessary to state that one has had an incestuous union in order to more easily obtain a dispensation?

n. 4134. What if it was not with such an intention?

n. 4135. If someone, after a dispensation, has a new union with the betrothed's relative?

n. 4140. What if an incestuous union occurs between betrothed persons before the dispensation is executed?

n. 4141. Is a conjugal union permissible before Communion?

lib. 6, no. 924. On a festive day?

n. 923. Is a sodomitic union between spouses adultery?

l. 4, n. 446. Does a union of the betrothed with another differ in species from fornication?

n. 447, and l. 6, n. 847. Is a union of the confessor with a third party incest?

l. 4, n. 451. Is a conjugal union in the Church sacrilegious?

Translated by churchlatin.ai, a product of Boyne Archives

n. 458. What if someone forces a union upon a widow under a false promise?

n. 646. To cook. Is it permissible to cook foods on feast days, even for enjoyment?

l. 4, n. 298, v. Whether.

A cook. Is it permissible for a cook to taste a small amount of meat on a forbidden day?

l. 4, n. 4029, v. 3. Are cooks excused from fasting?

n. 1041.

[*Latin ed. p. 470*]

When should the corporal be used? Book 6, paragraph 374. Should it be made of linen? Paragraph 375, note 3. Is it to be blessed? Paragraph 386. Does the blessing remain if it is used in the celebration of Mass? Paragraphs 379 and 380. When is it permissible to wash the corporals? Paragraph 387, note 2. What should be done with the water? Ibid. Who is permitted to touch them? Paragraph 382. What if they are visibly soiled? Paragraphs 376 and 386. What sin is committed if it is omitted, or an unblessed one is used? Ibid, note 1, paragraph 387. The disposition of the body for Communion. See Book 6, paragraph 271. Correction to be given by the confessor. See Practice of Confessors, paragraphs 7 and following. Correction of errors. Ibid, paragraph 416. For what sin is correction to be given? Book 3, paragraph 34. For a slight offense? Paragraph 35. For an action committed out of ignorance? Paragraph 36. Correction omitted out of fear? Paragraph 37. Are they obligated to correct in case of doubt? Paragraph 38. If there is no fear of relapse, or if there is a suitable fear? Or if there is no hope of benefit? Or if the opportunity is awaited? Paragraph 39. Who are obligated to correct? Paragraph 40. The order to be observed in correction. Paragraph 41. What if the crime is reported to the Prelate as to a father? Ibid, and Book 5, number 243. Is correction always to precede denunciation? Book 5, paragraphs 240 and 244. Is it permissible to denounce the fraternal correction? Paragraph 245, see Question 4. Are Prelates ever obligated to correct minor faults with severity? Book 5, paragraph 43. How are pastors obligated to correct? Book 4, paragraph 360, see Pastors. Corruption of words, when is it mortal in the recitation of the Office? Book 5, paragraph 465. See Mutilation. Gluttony, when is it mortal? Book 2, paragraph 73, note 4. Mortal. Creature. Is it blasphemy to curse creatures? Book 4, paragraph 429. Is it perjury to swear by creatures? Paragraph 438. Belief: Is a spouse obligated to believe the other who asserts that he or she has falsely consented? Book 6, paragraph 908. Is an impediment to be believed if it is asserted by those unworthy of faith, and what if by one worthy of faith? Ibid, see Second. Believing heretics. Book 7, paragraph 306. See Faith. Creditor: If a creditor extends the term of payment? Book 7, paragraph 64. Is restitution to be made to

Translated by churchlatin.ai, a product of Boyne Archives

creditors of the deceased? Book 4, paragraph 634. Are creditors with a mortgage prior? Paragraph 690. Are personal creditors prior? Ibid. Are personal poor creditors prior? Paragraph 694. Are those demanding payment prior? Paragraph 692. Can a personal creditor to whom payment is due retain [possession]? Paragraph 693. Can a usurious creditor demand interest? Book 4, paragraph 788. Can one celebrate wearing shoes with heels? Book 6, paragraph 402. If chalk is swallowed, does it break natural fast? Book 6, number 281. What crimes dissolve marriage? Book 6, paragraphs 4034 to 1043. When is a crime said to be hidden? Book 6, paragraphs 593 to Note 3, and Book 7, paragraph 76, Note II. If a crime is hidden here, but public elsewhere. Paragraph 78. Irregularities due to infamous crimes. Paragraphs 362 and 363. How is it removed? Paragraph 364. Due to a hidden crime, can a Bishop prohibit ordination? Book 6, paragraph 69, at the end, see However. Is a public crime of another in one...

[*Latin ed. p. 471*]

In what place or time can a fault be detected without a mortal sin? Book 4, paragraph 974. What if the fault is revealed in council? Or to one man or another, for approval? Book 4, paragraph 973. See, however, the opposite. When is a crime considered public? Paragraph 975. Can someone infamous for one crime also be infamous for another? Paragraph 976. How should reputation be restored if a true crime has been publicly proclaimed? Paragraph 992. What if it has been proclaimed in good faith? Paragraph 994. If you have slandered someone for a true crime, are you liable for all the damages? Paragraph 994. See, however, the opposite. When can a crime be denounced without prior correction? Book 5, paragraphs 241 to 245. What crimes are suspected of heresy? Paragraph 251. Can the accused, in his own defense, reveal hidden crimes of the accuser or witnesses? Book 5, paragraph 277. Does he sin gravely if he imputes false crimes? Ibid. The Crucifix: What kind is it, and is it always required in the Mass, and is its omission grave? Book 6, paragraph 393. It must be placed among the candles. Ibid. Doubt 4. If there is an image of the Crucifix on the altar, is another Cross required? Ibid, Doubt 2. The Cross: Is it a mortal sin to celebrate Mass without a Cross? Book 6, paragraph 393, Doubt 4. The Cross and images on the altar: must they be blessed? Paragraph 393, See, however, the opposite. The Cross, however. Fault: Is a mortal sin required to incur censure? Book 7, number 30. Is it external? Number 34. Is it consummated? Number 36. Is it one's own? Number 44. Is the same true for incurring irregularity due to a fault? Paragraph 348. What if the fault is hidden? Paragraph 549. What is a theological fault, and what is a legal fault? Book 4, paragraph 549. From what fault does the obligation to restore arise? Paragraph 550. Does a venial fault give rise to a serious obligation? Paragraph 552. Is a theological fault required even in contracts for the obligation of restitution? Paragraphs 554 and 749. In Offices? Paragraph 555. When does disparity in worship

Translated by churchlatin.ai, a product of Boyne Archives

dissolve a marriage? Book 4, paragraph 1044. What about marriage with heretics? Ibid. Superstitious worship. See Superstition. On feast days, is interior worship prescribed? Book 4, paragraph 264. Guardian: To whom is a guardian appointed? Book 4, paragraph 947. To what is he bound? Paragraph 948. Can a minor obligate himself without the consent of the guardian? Ibid. See, however, the opposite. The Ward: Curial persons are irregular. Book 7, paragraph 456. Curiosity: What sin is involved in touching or looking at indecent parts of one's own body out of curiosity? Book 4, paragraph 449. If it is the body of another? Paragraph 420. What sin is involved in reading another's letters out of curiosity? Book 5, paragraph 70. Carriage: Is it permissible to drive loaded carriages on feast days? Book 4, paragraph 276. Custodians: Are tax collectors and foresters, by their office, obliged to make restitution if they do not report [wrongdoing]? Book 5, paragraph 237. How are those who guard houses, etc., excused from Mass? Book 4, paragraph 326.

[*Latin ed. p. 472*]

D AMON. Whether it is a sin to curse a demon? Book 4, chapter 129, section 1. See "Maledicere" (to curse). Is it a sin to invoke a curse upon a demon? Chapter 431. What sin is it to have intercourse with a demon? Chapter 475. What if a demon represents a sacred person, or a married person? Ibid. See "Bene" (well). How should a confessor act with those who are in intercourse with a demon? Pastoral of Confessors, chapter 411. Demoniac (possessed), see "Obsessus" (obsessed). Damned. Is it permissible for a condemned person to repel force, and to resist? Book 5, chapter 279. See "Sed clarius" (but more clearly). Is a condemned person obligated to take offered food if he is to perish from hunger? Chapter 284. Is a priest or religious person who is condemned obligated to perform divine office? Book 5, chapter 142. See "Dubitatur 3" (It is doubted 3). How should a confessor act with those who are condemned? Pastoral of Confessors, chapter 109. Damage, and the one who causes damage. To what extent is a counselor liable for damage, if that damage occurred without his counsel? Book 4, chapter 561. What if there is doubt whether the counsel was the cause of the damage? Chapter 562. What if someone advises damage out of inculpable ignorance? Chapter 564. Is it permissible to follow a probable opinion, even if it causes damage to another? Book 1, chapter 42. Must a thief restore all damage with whatever he has? Book 4, chapter 598. With greater damage? Ibid. Is the thief obligated to restore all damages? Chapter 618. Provided that they are at least vaguely foreseen. Chapter 613. Concerning the one who sets fire to Titius' house, thinking it is Cajus' house. Book 4, chapter 629. Concerning the title of damage arising in a loan. Book 4, chapter 768. What is required to demand interest based on this title? Chapter 769. Is it permissible to agree to such interest from the beginning? What is meant by the term "damages" in a partnership? Book 4, chapter 509. In a partnership,

Translated by churchlatin.ai, a product of Boyne Archives

does damage from chance always belong to the principal? Chapter 907. See Question 111. Concerning a pact that damage from chance is common. Ibid. Question IV. Is it permissible to reveal the sins of another to avoid damage? Book 4, chapter 969. Is it permissible to reveal a secret? Chapter 971. See "An autem" (but). Is one obligated to make amends for damage if he has not restored a good reputation taken in good faith? Chapter 994. Is the damage to be fully restored if one has defamed someone of a true crime? Ibid. See "An autem" (but). Are we obligated to denounce heretics, even if it causes us great damage? Book 5, chapter 249. Is a spouse obligated to repay a debt with his dowry or with the property of his children? Book 6, chapters 950 and 951. Concerning the damage to be repaired with regard to censures. Book 7, chapter 25. Dataria (a register of dispensations). What should be included in a petition for a dispensation in the Dataria? Book 6, chapter 1146. Debtor. Does a debtor satisfy his debt by giving something, forgetting the debt? Book 4, chapter 700. See "Quæritur 11" (It is asked 11). Is the debtor obligated to pay in full if he assumes that a partner has restored? Book 4, chapter 579. See "Utrum" (Whether). Concerning a debtor who denies the debt.

[*Latin ed. p. 473*]

Equivocation. Book 4, paragraph 460. Concerning a debtor in necessity. Paragraphs 704, 702, and 703. Debt. Whether certain debts should be repaid before uncertain ones? Book 4, paragraph 687. Whether debts arising from fault should precede those arising from contract? Paragraph 688. Whether debts arising from a burdensome title should precede others? Paragraph 689. Whether a person burdened by debts is permitted to receive a gift? Paragraph 722. Whether a wife is obligated to pay debts contracted by her husband? Book 4, paragraph 354. Whether forgetting a debt is satisfied by giving? Book 4, paragraph 700. See Question II. The time required for debts to become statute-barred. Book 4, paragraph 507. Whether those burdened by debts can become religious? Book 5, paragraph 71. What if they have already made their profession? Ibid. See also. If, however. When is it licit to fulfill the conjugal debt? Book 6, paragraph 900. When is it a precept? Paragraph 938. For what ends is the use of marriage licit? Paragraph 927. Is the husband ever obligated to request it? Paragraph 928. Is the wife ever obligated to request it? Paragraph 929. Can a spouse who is hindered from requesting the marital act ever request it? Paragraph 930. Is it licit for an excommunicated person to request it, and for an excommunicated woman? Paragraph 934. Are marital relations permitted between spouses, etc.? See Spouse. Those who deny the debt, once. Paragraph 940. If one party requests it remissly, or immoderately, or if the fulfillment is postponed for a short time. Ibid. Can it be denied because of the multitude of children? Paragraph 944. Can Bishops dispense from the obligation to fulfill the debt, if a vow of chastity was emitted before marriage? Paragraph 987. Can men-

Translated by churchlatin.ai, a product of Boyne Archives

dicant friars? Ibid. See also. What if the impediment arises from an affinity contracted after marriage? Paragraph 4076. Ten years. Do the laws of the Church become statute-barred after ten years? Book 4, paragraph 439. See Limitation 2. Do immovable things become statute-barred after ten years? Book 4, paragraph 508. Deception. Any deception in a sale obliges to restitution. Book 4, paragraph 805. What kind of deception obliges the seller to restore? Paragraph 877. Tithes. Concerning the obligation to pay tithes. Book 4, paragraph 42. See Question 4. How do the decisions of the Roman Rota obligate? Book 4, paragraph 406. See Decisions. How do the declarations of the Sacred Congregation obligate? Book 4, paragraph 406. See Question 2. How do the decrees of the Sacred Congregation of Rites obligate? Book 6, paragraph 404. Decretals, and the Decree of Gratian. Book 4, paragraph 105. See Law. Shame. Is the perpetrator of rape obligated to marry the woman, given the shame to the family? Book 4, paragraph 644. Can natural defects be manifested without a mortal sin? Book 4, paragraph 967. Prelates are obligated to sometimes correct minor defects. Book 5, paragraph 43. Defects in confession are to be repaired by the confessor. Book 6, paragraph 648. And in Practice of Confession, paragraph 446. Do natural defects fall?

[*Latin ed. p. 474*]

Under seal? n. 648. How is a defect in ordination to be remedied? n. 758. Is it permissible for spouses to contract marriage with a hidden defect? n. 864 and 865. In what cases are defects considered invalid? l. 7, n. 51 to 66. Irregularity arising from a defect? n. 397. How is an irregularity arising from a defect at birth removed through religious profession? l. 7, n. 354. If a bodily defect arises. n. 413. If it existed previously. Ibid. If the defect is due to one's own fault. n. 615. What about a eunuch? n. 416. If for the sake of maintaining one's vocation. n. 448. Irregularity arising from a defect of age. l. 6, n. 799. See Irregularity. Defense. Is it permissible to strike a cleric in defense? l. 7, n. 275 to the end. Is a defense of oneself or an innocent person an excuse for an irregularity? n. 388. Is a defense of property an excuse? n. 389. Defiler, see Rapist. Defilement: Does the defilement of a daughter excuse the mother if she desires her death? l. 2, n. 22. Deformity leading to an irregularity. l. 7, n. 411 and 412. The office for the dead must be fulfilled with due solemnity. l. 5, n. 461, see II. Can it be anticipated the day before? n. 474, see II. For the dead. To fulfill the will of the deceased, a Mass of suffrage can be said in the greater form, not by command. l. 6, n. 421. A priest can say two Masses if another priest is absent on the day of the funeral. n. 351, see Modò. When are Masses for the dead permissible, and when are they obligatory? n. 419 to 421. Is one obligated to say a Requiem if one says another Mass? n. 422. How should a Mass for the dead be ordered? n. 423, to the end. On the Feast of All Souls, is it permissible to receive a stipend? l. 6, n. 338. If the commemoration

Translated by churchlatin.ai, a product of Boyne Archives

of the dead occurs on a Sunday. n. 424 to 41. Excommunicated deceased can be absolved from censure. l. 7, n. 446, to the end, and n. 486. What is degradation? l. 7, n. 324. A degraded person is bound to chastity, and silence. Ibid. See Dixit. By whom is degradation to be performed? n. 320. Delight, and to delight. Concerning venereal and sensual delight. l. 4, n. 413. Is delight in a bad object, with conditional consent, permissible? l. 2, n. 146. Concerning prolonged delight. n. 18. What if someone delights in a spouse, but not as a spouse? Ibid. Delight in something bad, and in the thought of something bad. n. 47. Delight concerning the manner of a bad thing. n. 18. Delight in a good effect from a bad action. n. 19 and 20. Delight in the harm to another for a good end. n. 21. Is it permissible for a spouse to delight in a past or future union? l. 2, n. 23 and 25. Is this permissible for betrothed and widows? n. 24. Delight in something forbidden by positive law alone. n. 27. What is to be explained concerning delight taken in the evil of another? n. 28. If a spouse delights in the beauty of another, in order to arouse himself for union. l. 6, n. 913. If in another's union. n. 916. If in a union had or to be had with one's own spouse. n. 937. Delegation, and Delegate. l. 4, n. 193. Concerning the delegated power to dispense in vows. l. 4, n. 286. Can bishops delegate the power?

[*Latin ed. p. 475*]

Tridentine Council, Session 22, Chapter 8, Canon 1, paragraph 93: Bishops may delegate all that which pertains to their rights to others. Ibid. Can the power of dispensation sometimes remove an impediment? Canon 6, paragraph 4125. Can delegates impose censures? Canon 7, paragraph 41. Deliberation is required for a mortal sin. Canon 2, paragraph 5. A fault: To incur an irregularity from a fault, mortal guilt, and an external, completed act are required. Canon 7, paragraph 348. What if the fault is entirely hidden? Paragraph 349. See also: Crime, and Irregularity. To commit a fault: Does one who commits a fault outside the diocese incur a censure? Canon 7, paragraph 23. Does one who commits a fault in a monastery? Paragraph 24. If a subject who is not one's own commits a fault, can the local Bishop bind him with a censure? Paragraph 26. Delirium: Is it permissible to receive Holy Communion in a state of delirium? Canon 6, paragraph 292. Denudation of the breasts, see Pectoral. Denunciation, and To denounce: The obligation to denounce heretical blasphemy. Canon 4, paragraph 123, and Canon 5, paragraph 352. Who are obligated to denounce? Canon 5, paragraph 254. Are those obligated by office to denounce also obligated to make restitution if they do not denounce? Paragraph 237. When is it illicit to denounce? Paragraph 239. Must fraternal correction precede denunciation, and when? Paragraphs 240 and 241. Evangelical denunciation. Paragraph 242. Is it permissible, without correction, to denounce a crime to a Prelate as to a father? Canon 5, paragraphs 242, 244, and 245. Juridical denunciation. Paragraphs 246 and 247. Are we obligated to denounce heretics with

Translated by churchlatin.ai, a product of Boyne Archives

great harm to ourselves? Paragraph 249. Are we obligated to denounce heretics who are connected to us? Paragraph 250. Which crimes must be denounced? Paragraph 251. Must blasphemies be denounced? Paragraph 253. Must superstitious practices be denounced? Paragraph 253. Must those who do not denounce be denounced? Paragraph 254. Must a confessor who denies absolution to a penitent who wishes to reveal an accomplice be denounced? Canon 6, paragraph 491. Concerning the denunciation of confessors who are troublesome; the words of the Bull. Paragraph 675. The clauses are to be considered. Paragraphs 676 and following. Who must be denounced? Paragraph 681. Who are obligated to denounce? Paragraph 693. Concerning doubtful solicitations. Paragraph 702. Concerning denunciations required for marriage. Paragraph 992. In these matters, who can dispense, and when? Paragraphs 1003 to 1007. Concerning the obligation to denounce impediments to marriage. Paragraphs 994 to 999. Are those who cannot prove them obligated to denounce? Paragraph 995. How is the deposition of witnesses to be made? Canon 5, paragraph 271. What is a deposition? Canon 7, paragraph 325. Deposit, and Depositary. What is a deposit? Book 4, paragraph 746. Does a depositary sin by using the deposited thing? Paragraph 748. Is a depositary ever obligated to preserve the deposited thing above all else? Paragraph 752. When may a deposit be refused? Paragraph 753. Desire, and To desire. One who desires evil, and considers it not to be a sin. Canon 4, paragraph 9. The desire of evil for a good end. Canon 3, paragraph.

[*Latin ed. p. 476*]

30. v. Thus it is permitted. and l. 3, no. 21. Desire takes its form from the object. l. 2, no. 12. Conditioned desire. no. 13. Desire differs from delight and joy. n. 15. A mother desiring the death of her daughter, or of a bride. l. 2, n. 22. Desiring one's own death to avoid a harsh life. ibid. Desiring diverse evils for an enemy. n. 50. v. It is asked: Is the desire for the episcopate illicit? l. 6, n. 804. Despair. l. 3, n. 20, v. 2. Mortal. Determination of matter in the Eucharist. l. 6, n. 214. Detraction, and to detract. What is detraction, and what is the fault? l. 4, no. 966. Hearing detraction. l. 4, n. 979. Detracting about someone in many matters. l. 2, n. 48, or before many people. n. 49. The diaconate is a sacrament. l. 6, n. 737, v. Prima. Its matter and form. n. 748. A deacon ministering in sin. l. 6, n. 38. When may he baptize? n. 146. And may he do so solemnly in necessity? ibid. Dub. 4. If solemnly, will it be irregular? ibid. Dub. 2. If he ministers the Eucharist without commission. n. 334. When is it permissible for deacons to minister the Eucharist? n. 237. Days appointed in vows. l. 4, n. 220. See also under the word Crime. On which days is it forbidden to communicate? l. 6, n. 252. On which days is it forbidden to celebrate Mass? n. 350. To postpone Masses. See Stipendium. To postpone absolution. See Absolutio. To postpone penance. See Satisfactio. A grave difficulty excuses from human precepts. l. 4, n. 204. It excuses

Translated by churchlatin.ai, a product of Boyne Archives

from fasting. l. 4, no. 1034. From the recitation of the office. l. 5, n. 454, v. More. Finger. Is it permissible to minister the Eucharist with the fingers? l. 6, n. 244. Is it permissible to celebrate Mass with the fingers? l. 7, n. 408. If one amputates a finger, is it irregular? l. 7, n. 365, in fin. But not if someone else amputates a finger. n. 379. If someone is lacking all fingers, is it irregular? n. 408. If someone is lacking the thumb or index finger. ibid. Worthy. Those to be chosen and presented for the cardinalate and episcopate. l. 5, n. 91. For parishes. n. 92. For simple benefices. no. 93. For regular prelatures? n. 100. May those resigning be chosen? n. 98. Is an election of a worthy person, omitting a more worthy one, valid? l. 5, n. and 402, 103. May more worthy bishops be transferred to larger churches? n. 105. Are those choosing for a simple benefice less worthy bound to restitution? n. 106, and 107. May they suggest it? l. 5, n. 408. What if the benefice is conferred by concurrence? l. 5, n. 409. Must a less worthy person elected be made to compensate the Church for the loss, and for the more worthy person? n. 110. Are examiners bound to report more worthy persons to the bishop? n. 141. Delay, and to delay. Delay of restitution. l. 4, n. 679. If, through the delay, the creditor suffers damage. n. 680. May he be absolved who, being able to repay, delays? l. 4, no. 684, and 682. What if the warning is not helpful? ibid. v. Qu. 2. Is one who delays payment for a just cause bound to make full amends?

[*Latin ed. p. 477*]

Responses? p. 4, no. 704. Can something be sold for more if the solution is delayed? no. 810. Loving one's enemies. Signs of common enmity to be shown. p. 3, no. 28. Are we obligated to save our enemies? Ibid. Question. Are we obligated to forgive injuries? no. 29. Even public vengeance? Ibid. It is permissible. See Hatred. Half. Is it permissible to hear two half Masses? p. 4, no. 344. Deception of half in a contract. Book 4, no. 805. Dispensations are also required for the first Tonsure. p. 6, no. 783, ad IV, and 787. Do dispensations expire with the death of a Bishop? d. no. 787, note 2. A confirmed Bishop can grant them. Ibid, note 4. Even one residing outside the diocese. Ibid, note 4. Can a Bishop confirm someone coming from elsewhere with dispensations? no. 788, note 10. Can a dispensation be granted in an irregularity? no. 789, see question 2. A Vicar General cannot grant them. no. 787, note 5. Nor can a chapter. no. 788. However, he can grant testimonial letters here. Ibid. It is permissible. Can a foreign Bishop grant permission to ordain in the diocese? Ibid. Although. Religious orders must have the dispensations of their superiors. no. 788, note 9. If the Pope grants someone the faculty to receive Orders with the clause that it is only for his own Ordinary, can that person be ordained by another with dispensations? Ibid, note 9. Are dispensations to be directed to a specific Ordinary? p. Ibid, note 41. It is not required that this permission be in writing, Ibid, note 12. Dioceses. If the spouses are from different dioceses, must each be dispensed by his own Bishop? p. 6, no. 1142. A Bishop who carries out a

Translated by churchlatin.ai, a product of Boyne Archives

censure outside the diocese. p. 7, no. 21. Can one bind a subordinate who is living elsewhere? no. 22. If a subordinate sins outside the diocese. no. 23. What if it is in a monastery? no. 24. If a foreign subordinate commits a crime in the diocese, etc. no. 26. If someone is ordained in a different diocese. p. 6, no. 798, see Addendum. Disciple. Obligations of disciples. p. 4, no. 361. Does a disparity in condition invalidate a marriage? p. 6, no. 851. To dispense, and Dispensation. p. 4, no. 478. Concerning dispensations of the Holy Penitentiary. See appendix. p. 4, no. 202. What kinds of dispensations are usually granted there? no. 203. Clauses that are usually included there. no. 204. Concerning the concealment and subversion of causes. See the Bull of Benedict XIV. p. 6, no. 1131. Concerning the execution of dispensations. no. 205, and following. Who can dispense in penalties for simony? Book 4, no. 117, and following. For a dispensation of marriage, is it permissible to receive anything? p. 4, no. 96. Who can dispense in an oath? no. 189, and 190. Concerning the vow not to seek a dispensation. no. 208. Can someone who has the power dispense with himself? p. 4, no. 183. Can a subordinate dispense in a law of a superior, where the dispensation is not reserved? p. 4, no. 191. Can a local Bishop dispense in the vows of pilgrims? p. 4, no. 458. Concerning dispensations in vows. p. 4, no. 250. Who can dispense to work on feast days, a Bishop or a parish priest? p. 4, no.

[*Latin ed. p. 478*]

288. Do those who are related by blood commit incest after a dispensation has been granted? Book 4, paragraph 452. Can the Pope grant dispensations in matters of divine law? Book 6, paragraph 1419. In what cases can impediments to marriage be dispensed? Paragraph 1418. Are there ever impediments to marriage that are matters of natural law? Paragraph 1410. Can a dispensation be granted after a new consent has been given? Paragraph 897. See Probability 1, at the end. Can a dispensation be granted in a valid marriage? Paragraph 959. Can a bishop grant a dispensation in cases of impediments that prevent marriage before the marriage takes place, in cases of necessity? Paragraph 4122. Can a parish priest, or at least declare [the impediment]? Paragraph 613. Can a bishop grant a dispensation after the marriage has taken place? Paragraph 1423. What if the marriage was entered into in bad faith? Paragraph 1424. Can one delegate this power to another? Paragraph 1425. Bishops can grant dispensations in all impediments that prevent marriage. Paragraph 1426. Just causes for granting dispensations in cases that prevent marriage. Paragraphs 1429 and 1430. See the practice of confessors regarding dispensations from impediments to marriage, Practice of Confessors, paragraphs 84 and following. Can a bishop grant a dispensation from a vow of chastity made after marriage? Book 6, paragraph 986. See Doubt 4. What if the vow was made before marriage, in order to obtain a debt? Paragraph 987. Can religious orders grant such dispensations? Ibid. See. Can a bishop grant a dispensation for

Translated by churchlatin.ai, a product of Boyne Archives

someone to enter into marriage? d. n. 987. See Doubt 3. Who can grant a dispensation from the impediment of not being able to ask for something due to incest? Paragraph 4076. Who can grant dispensations in cases of denunciations concerning marriage, and for what reason? Paragraphs 1003 to 1006. Can a vicar general? Paragraph 4007. Can a parish priest? Ibid. Doubt 2. Formula for obtaining a dispensation. Paragraph 1447. See other matters concerning dispensations from impediments. Book 6, paragraph 4434. Can bishops grant dispensations from irregularities due to heresy? Book 7, paragraph 76. Can they do so for someone who is illegitimate, regarding a simple benefice? Paragraph 428. Can they do so regarding a canonry? Paragraph 429. Can they do so for someone who is secretly illegitimate? Paragraph 430. Can they at least do so for someone to administer the sacraments? Paragraph 434. Who can grant dispensations in cases of irregularity? Paragraph 353. In what cases can religious orders grant dispensations? Paragraph 355. Do bishops grant dispensations in cases of irregularity due to a lack of lenity? Paragraph 469. Can religious orders do so? Ibid. Those who have been dispensed from eating meat are bound to eat only one meal, and to abstain from fish. Book 4, paragraph 1043. And this also applies during fasts outside of Lent. Paragraphs 1045 to 1047. See the decrees of Pope Benedict XIV on this matter, ibid. Are those who have been dispensed from eating meat only permitted to eat wholesome meats? Ibid. See. This is a question to be considered. Who can grant dispensations from the ecclesiastical fast? Book 4, paragraph 1032. I. The Pope. II. Bishops. III. Parish priests. IV. Prelates of religious orders. Ibid. How is an exemption from reciting the Divine Office excused? Book 5, paragraph 459. Disposition and Disposed. A pious disposition in a will is valid. Book 4, paragraph 923. Disposition for validly receiving the Sacraments. Book 6, number 78. For licitly receiving. Paragraph 83. Those who are more disposed receive a greater benefit. Book 6, number 85. Disposition for Baptism. Paragraph 439. For Confirmation. Paragraph 179. For the Eucharist, on the part of the soul. Paragraph 255. On the part of the body. Paragraph 274. What if someone does not know that the host has been consecrated? Paragraph 85. See 2. The law of disposition is the same, where the same reason applies. Book 7, paragraph 84, at the end. Dissertation I. On the proper use of probable opinions. Book 4, paragraph 55.

[*Latin ed. p. 479*]

Dissertation II, on the infallibility of the Supreme Pontiff, book 4, paragraph 440, and on the authority of the Pope over councils, paragraph 124. Dissertation on marriage, the minister, and the form of marriage, book 6, paragraph 898. Dissertation on the Conception of the Blessed Virgin Mary, book 7, paragraph 244. The distance of a place that excuses one from attending Mass, book 4, paragraph 329. Distillation and to distill. Voluntary venereal distillation, book 4, paragraph 477. Is it permissible to distill herbs

Translated by churchlatin.ai, a product of Boyne Archives

on feast days? book 4, paragraph 282. Specific distinction of sins, book 2, paragraph 30. Numerical distinction, ibid., paragraph 35. Distraction and distracted. Culpable distraction during the canonical hours, book 5, paragraph 176. Remedies against distractions, paragraph 177. See Remedies. One who is distracted during consecration should not repeat, book 6, paragraph 25, see 5, and paragraph 224, see Notandum. What sin is committed by distraction during the celebration? paragraph 440. Question 5. Censure on those who recite the Divine Office distractedly, book 7, paragraph 35. Distributions, see Canonicus. Rich man. Does a rich man satisfy his debt by lending to a poor man in extreme need? book 4, paragraph 520, question 5. Does a rich man who does not help a poor person in extreme need incur an obligation to make restitution? ibid., question 4. Are rich artisans excused from fasting? book 4, number 1042. Can a rich priest receive a stipend? book 6, paragraph 347. Divination, what is it and to what extent? book 4, paragraphs 5 and 6. Is it always mortal? paragraphs 7 and 8. Is it permissible to divine the future through dreams? paragraph 9. Through lots? paragraph 41. Natural and judicial astrology, paragraph 40. Divine. Communion in the divine nature, avoiding it, book 7, paragraph 473. With tolerance, paragraph 439. What is meant by the term "divine"? paragraph 177. Cessation from the divine, book 7, paragraphs 4, 340, and 387. Divorce. When can a divorce be granted? book 6, paragraph 955. On divorce with regard to the bond, paragraph 956. What if one of the spouses converts to the faith? paragraph 957. What if the marriage is only valid? paragraph 958. Can the Pope grant a dispensation in this case? paragraph 959. On divorce with regard to the throne, paragraph 960. Divorce due to adultery, paragraph 960. Due to cruelty, paragraph 970. Because one spouse draws the other into sin, paragraph 973. Due to heresy, paragraph 974. Due to mutual consent, paragraph 975. After a divorce, with which parent are the children to be raised, and at whose expense? paragraph 976. To teach and to teach. Is it permissible to teach on a feast day? book 4, paragraph 78. Are canons who teach excused from the choir? book 5, paragraph 432, see An autem. Are even parish priests excused? ibid. Doctorates. Requirements for obtaining a doctorate, book 4, paragraph 466. Should sorrow precede confession? book 6, paragraph 445. For how long can it precede? paragraph 446. Should it be elicited from the intention of confession? paragraph 447. Should it be renewed by one who, after absolution, confesses a sin that he had forgotten? paragraph 448. What kind of sorrow should be elicited for venial sins, and does one sin gravely by confessing them without sorrow? paragraph 449. Can one have partial sorrow for these? ibid., see Question 2. Is sorrow sufficient?

[*Latin ed. p. 480*]

Of mere multitude only? Ibid. Extraordinary signs of pain. No. 460. Deceit. A vow extorted by deceit. Book 4. No. 175. Deceit invalidating a con-

Translated by churchlatin.ai, a product of Boyne Archives

tract. No. 714. Deceit concerning the quality of a thing, causing a contract. No. 715. Domicile, and quasi-domicile, how are they acquired? Book 4. No. 456, and 158. The wife is bound to follow the domicile of her husband. Book 4. No. 353. Who may be ordained in relation to domicile? Book 6. No. 770. He who has a domicile, and a benefice and origin in different dioceses, from whom should he be ordained? No. 771. He who has two equal domiciles. No. 773. May students acquire a domicile? No. 777. See Students. Is a vow to remain perpetually in a place required to acquire a domicile? No. 778. And do barons and their sons enjoy the privilege of seigneurial rights? No. 779. If betrothed have two domiciles, where should they celebrate the marriage? No. 4086. Lordship. Is the observance of Sunday a matter of divine law? Book 4. No. 265. Abstinence from dairy products on Sundays of Lent. Book 4. No. 1007. Those dispensed from meat on these Sundays are also bound to abstain from fish. No. 1015. Concerning ownership, how is it acquired? Book 4. No. 493. By occupation. Ibid. By birth. No. 494. By accretion. No. 495. By specification. No. 496. By accession. No. 497. By confusion and commixture. No. 498. By edification. No. 500. By plantation. No. 501. By perception of fruits. No. 502. By tradition. No. 503. By prescription or usucaption. No. 504. For the acquisition of ownership of a thing given, tradition is required. Book 4. No. 732. Does the usurer acquire ownership of the profit of usury? No. 783. Is tradition of the thing required to transfer ownership by sale? No. 796. To whom is ownership acquired if a thing is sold to two people? No. 827. Lord. The obligations of lords towards their servants. Book 4. No. 342. What vows of servants may a lord annul? Book 4. No. 240. A lord defending his property with armed servants. Book 4. No. 385. A lord ordering several servants to work for an hour. No. 306. May a lord retain expenses incurred in a matter by a thief? No. 618. Are certain goods to be restored to the lord, or to the possessor? Book 4. No. 596, and 599, and following. What if a thing perishes with a thief, which would have perished equally with the lord? No. 620. See For the greater. A sleeping person is validly baptized, ordained, and anointed. Book 6. No. 84. Utterance. Is it licit? Ibid. House. Is it licit to let houses to prostitutes? Book 5. No. 70. Are those who care for houses excused from hearing Mass? Book 4. No. 326. See Excused. Donation, and to donate. Who are incapable of making a donation? Book 4. No. 721. Those burdened with debts are such. No. 722. Concerning donations between spouses, and between a father and son. No. 724. What if a donation has not yet been accepted? No. 725. A donation made to an absent person. No. 728. Can it be accepted by a deceased donor? No. 729, and 730. Can the heir of the donee accept it? No. 731. Tradition is required to acquire ownership. No. 732. If the donation is...

[*Latin ed. p. 481*]

Shields 500, no. 733. Whether the method or end of the giver must be

Translated by churchlatin.ai, a product of Boyne Archives

fulfilled? No. 734. What if the promise is extravagant? No. 735. What if the donation is made to entice? No. 736. What if it is made for a false reason? No. 737. In what cases can a donation be revoked? Ibid. Question III. Donation for the sake of death. Ibid. Question IV. Unprofitable donation. Law 4, no. 740. If the recipient is ungrateful. No. 738. Receiving superfluous gifts from a beneficiary. Law 4, no. 492. Question VIII. Remuneratory donation from a Religious. Law 5, no. 21. Can ecclesiastical goods be alienated if the donor has given permission? Law 5, no. 487. See Note II. What if the alienation is forbidden by the donor? Ibid. Note IV. Receiving a gift from one burdened with debts. Law 4, no. 792. Sleeping. Sleeping during the hearing of Mass and the recitation of the Office. Law 4, no. 316. If the dowry is not paid, can a husband divorce his wife? Law 6, no. 939. Question 1. Is she then obliged to support her? Question 2. Dowry. Brothers are obliged to provide dowries for their sisters. Law 4, no. 340. Is a rapist obliged to provide a dowry for the woman he has violated, if she refuses to marry him? No. 648. Doubt, and to doubt. If a priest doubts whether he has omitted an Office, is he obliged to recite it? Law 5, no. 150. What if he doubts whether he can recite part of it? No. 154. See Note IV. Doubt, and to doubt. What is a doubt? And what is a positive doubt, and what is a negative doubt? Law 4, no. 20. In doubt, the condition of the possessor is better. Law 4, no. 35. Rule for knowing who is the possessor. Ibid. They are not obliged to fulfill a law, or a doubtful vow. Law 4, no. 27 and 28. Unless the vow is certain, and the fulfillment is doubtful. No. 28, in the margin. What if the fulfillment of a vow, Office, penance, etc., is probable? No. 29. and Law 4, no. 700. See Limitations. What if it is doubtful whether a law has been received? Law 4, no. 97. Is one obliged to fast if he doubts whether he has completed the year? Law 4, no. 32. What if it is doubtful whether the hour of fasting has begun, or ended? Ibid. Can one who is doubtful about fasting receive Communion? Law 6, no. 282 in the margin. What if there is doubt about the validity of a marriage? Law 4, no. 33. and Law 6, no. 903 and 904. What if there is doubt about the payment of a certain debt? Law 4, no. 34. What if there is doubt about a debt? No. 35. What if there is a single, probable reason against the possessor? No. 36. What if the possessor, upon the arising of a doubt, neglects to inquire? No. 37. In doubt, whether a correction should be made? Law 3, no. 38. What if there is doubt whether a counsel was the cause of damage? Law 4, no. 562. What if it was a suffrage? No. 566. What if someone buys an alien thing with doubt? No. 625. To what are adulterers obliged in doubt whether the offspring is legitimate? Law 4, no. 667. What if there is doubt between two adulterers? No. 658. What if there is doubt whether a lender has given something gratuitously? Law 4, no. 764. Question II. What if there is doubt whether an infirmity excuses from the recitation of the Office? Law 5, no. 154. See Note III. Concerning a minister using doubtful matter and form. Law 6, no. 42. What should be done if, after receiving, one doubts whether the wine was vinegar? No. 206. See Regarding. In doubt

Translated by churchlatin.ai, a product of Boyne Archives

concerning the law and the fact of Baptism, everyone should be baptized. No. 134. and 137. verse 3. One who doubts about his own Baptism. Ibid. See 5.

[*Latin ed. p. 482*]

In cases of doubt, can one receive Holy Communion? n. 282. See also: Are doubtful sins to be confessed? n. 472. What if the doubt is positive? n. 473. What if it is negative? n. 474. If one doubts that he has committed a mortal sin, can he receive Holy Communion? n. 475. What if someone is scrupulous? n. 476. What if you doubt whether you have confessed a particular sin? n. 477. What if a sin that you confessed as doubtful becomes certain to you? n. 478. For a doubtful offense, a certain penalty should not be imposed. n. 474, at the end. Is it permissible to grant absolution with jurisdiction in cases of doubt, or with a high probability? n. 871. In cases of doubt, whether a penitent has committed a reserved sin, or whether the sin is reserved, n. 600. If someone confessed a doubtful reserved sin to a lower-ranking confessor, is he obligated to confess it to a higher-ranking one? Ibid. Question 11. In cases of doubt, whether a warning will be effective. n. 646. See also: Whether... In cases of doubt, whether a sin heard is within or outside of confession. n. 637. In cases of doubt concerning scruples. n. 702. In cases of doubt concerning the validity of Holy Orders. n. 757. In cases of doubt concerning an impediment to marriage, is it permissible to marry? n. 901. What if it is probable that the impediment does not exist? n. 903. What if the probability is easy to ascertain? Ibid. See also: Question 11. In cases of doubt concerning the validity of a marriage contract, is it permissible to seek and grant a dispensation? n. 903. What if there is doubt about the death of the first spouse? Ibid. What if doubt arises after a marriage has been validly contracted? n. 904. What if a probable cause exists only for nullity? n. 905. What if the marriage was entered into with doubtful faith? n. 906. In cases of positive doubt, should one judge in favor of a valid marriage? n. 907. In cases of doubt whether a mandate has been issued, is one subject to censure? l. 7, n. 39. In cases of doubt whether one is subject to censure. n. 67. In cases of doubt whether the censure is just. n. 68. What if one is probably not subject to something? Ibid. In cases of doubt, an assault on a cleric is judged to be a grave offense. n. 280. In cases of doubt whether one incurs an irregularity. n. 314, ad 347. Duel. What is a duel, and is it ever permissible? l. 4, n. 399. Is it permissible under any circumstances to accept a duel? n. 400. Penalties for those who duel. n. 401. If someone provoked to a duel kills his opponent, is he obligated to make restitution? l. 4, n. 638. Double. What is a double (benefice)? l. 5, n. 416. What is a compatible and an incompatible double? Ibid. To what extent is a double held? l. 4, n. 407. Intoxication and Drunkenness. When is intoxication a grave fault? l. 2, n. 75. What if someone becomes intoxicated by the prescription of a doctor, or out of fear of death? n. 76. Is it ever permissible to intoxicate another?

Translated by churchlatin.ai, a product of Boyne Archives

n. 77. Can intoxication ever excuse a mortal sin? And are all the evils committed in a state of intoxication imputable to the intoxicated person? n. 78. Is an intoxicated person bound by the laws? l. 4, n. 153. Is an intoxicated person...?

[*Latin ed. p. 483*]

Is a spouse obligated to return what was taken? l. 6. n. 948. Should Extreme Unction be administered to a drunkard? n. 732. The Church. Within the Church, gambling, lotteries, and feasts are prohibited. l. 4. n. 37. Is theft within the Church sacrilegious? n. 39. In which church should Mass be heard? n. 348. A loan given to the Church. l. 4. n. 786. Can a legacy left to the church fabric be used for other purposes? n. 930. Doubt 9. Are bishops more deserving of being transferred to larger churches? l. 5. n. 104. The transfer of bishops to other churches is prohibited by divine law, unless there is a just cause. Ibid. If a church is interdicted or polluted, are canons excused from assisting at the choir? l. 5. n. 130. See. When. Is it permissible to celebrate Mass outside the church? l. 6. n. 356. Do oratories come into being in the name of the Church in religious houses, seminaries, hospitals, prisons, etc.? n. 357. See. Neither II. If a church is polluted, is it permissible to celebrate Mass in it? n. 364. Does the celebrant incur a penalty by celebrating in it? Ibid. See. Query. Is it an irregularity? l. 7. n. 358. Note III. What if it is interdicted? Ibid; and l. 6. no. 361. See. Query. Are unblessed oratories desecrated? l. 6. n. 362. When is a church said to be desecrated? Ibid. See. Add 2 and n. 364 to 367. By whom should it be reconciled, and how? n. 363. How is a church cleansed? n. 368. If you know from confession that a church is polluted, is it permissible to celebrate Mass in it? n. 660. The Church supplies jurisdiction when there is a probable opinion. n. 573. l. 6. It well establishes impediments that are impediments. n. 979. Do these obligations extend to non-believers? n. 981. What is prohibited to the Church in marriage? n. 982. Is it necessary to know that a prohibition exists from the Church in order to incur a censure? n. 43 and 44. Education. At whose expense should a diversion be made, and children educated? l. 6. n. 976. Effects. If the will remains in effect, sins are not interrupted. l. 2. n. 10. Effects of Baptism. l. 6. n. 138. Confirmation. n. 469. Eucharist. n. 269. Effects of Mass. n. 314. Extreme Unction. n. 734. Ordination. n. 735. Is a censure incurred by the effect, not the intention, by those who command? l. 7. n. 37 and 39. Effects of minor excommunication. nos. 448 and seq. Effects of major excommunication. n. 457. Effects of irregularity. l. 7. n. 312 and 343. Ejected and Ejected. When may religious be ejected? l. 5. n. 79. What may ejected religious acquire? n. 80. What are ejected religious bound to? n. 84. Are they bound to canonical vows? n. 442. Doubt 4. What is a prelate bound to do towards ejected individuals? n. 83. Election and Elector. Simonian election to prelacies. l. 4. n. 112. Question 1. To benefices. Ibid. Questions II and III. To the Papacy. Question IV. Corrupting electors for benefices. l.

Translated by churchlatin.ai, a product of Boyne Archives

4. n. 100. Election of abbots. l. 5. n. 59. How are benefices acquired through election? n. 85. Is an election of a worthy man over a more worthy man valid? n. 102 and 103. Are those who elect a less worthy man bound?

[*Latin ed. p. 484*]

Concerning restitution, see book 5, paragraphs 406 and 407. See also concerning "dignus" (worthy). Concerning the election of a status, see Practice of Confession, paragraph 92 and following. Can an alms-box dispense with fasting? See book 4, paragraph 4019. What if it is taken for pleasure? Ibid. From which goods is almsgiving due? See book 3, paragraph 34. Concerning the necessities common to the poor, see paragraph 32. Can a rich man satisfy his debt by lending? See book 4, paragraph 520. See also Question V. Is it permissible to give alms from the goods of another? See book 3, paragraph 33. Is it permissible for a servant? See book 4, paragraph 519. Can a wife give alms? See book 4, paragraph 540. Is it simony to promise alms to a monastery in exchange for a benefit? See book 4, paragraph 66. Does the one who collects alms satisfy the obligation of hearing Mass? See paragraph 317. Alms for Mass. See concerning "stipendium" (payment). Can a bishop regulate alms and other things pertaining to anniversaries? See book 6, paragraph 331. Doubt 3. Alms given to a certain church are to be used to celebrate Masses by the priests of that church. See paragraph 424. See also paragraph 4. Masses. Can someone obtain an indulgence through a small alms? See paragraph 538. Question XI. Are the poor and religious people obligated to give alms during a Jubilee? Ibid. Doubt 4. What if someone gives alms through another, who retains them for himself, or distributes them after the Jubilee? Ibid. Doubt 2. A buyer in good faith of stolen goods can he return the stolen goods to the thief? See book 4, paragraph 569. What if the buyer is in bad faith? See paragraph 570. Reclaiming an alien property that has been bought. See paragraph 604. Buying an alien property with doubt. See paragraph 625. Can someone who buys something in another's name profit from it? See paragraph 825. See also concerning "venditio" (sale). Are indulgences permissible? See book 4, paragraph 24. What is "epikeja legis" (a dispensation from the law)? See book 4, paragraph 204. Can epileptics receive Holy Communion? See book 6, paragraph 303. Are they irregular? See book 7, paragraphs 397 and 399. Who can dispense for them? See book 7, paragraph 400. The episcopate and the bishop. Those who are more worthy are to be presented for the episcopate. See book 5, paragraph 91. Bishops can dispense in vows. See book 4, paragraph 265. In the vows of pilgrims? See book 4, paragraph 458. Can bishops establish feasts? See book 4, paragraph 266. Bishops are obligated to preach. See paragraph 269. They can dispense for working on feasts. See book 4, paragraph 288. Can they dispense from fasts? See paragraph 4032. See also paragraph 2. Persuading a bishop not to confer a benefice on a more worthy person. See book 4, paragraph 585. Can bishops

Translated by churchlatin.ai, a product of Boyne Archives

make a composition (settlement)? See book 4, paragraph 592. See also Note. Can they change last wills? See paragraph 931. See also Question II. Is the consent of the heir required then? Ibid. And what is the reason? See Doubt 2 at the end. Is a religious person who becomes a bishop bound by his vows? See book 5, paragraph 2. To the rules? See paragraph 3. Games of chance and cards are forbidden to bishops. See book 4, paragraph 902. And also to assist at them. See paragraph 903. Concerning the obedience due by nuns to the bishop. See book 6, paragraph 56. A bishop cannot prevent clerics from becoming religious. See book 5, paragraph 75. Can he prevent parish priests? See paragraph 74. Can bishops abandon or renounce churches, and when? See paragraph 76. Bishops choosing less worthy candidates for parishes. See paragraph 92.

[*Latin ed. p. 485*]

Are churches of lesser importance to be transferred to larger churches? And is the translation of bishops prohibited by divine law? *l. 5. n. 104*. Can bishops be transferred, and under what circumstances? *ib.* Concerning the residence of bishops. See *Residence*. Is the episcopate an order? *l. 6. n. 738*. Is the desire for the episcopate illicit? *n. 804*. The bishop anointing with holy oil for the dying. *l. 6. n. 39*. Consecrating temples, blessing vestments, etc. *n. 40*. Confirming those who are not his own flock. *n. 474*. When is one bound to confirm? *n. 475*. Is one bound to reside and minister the sacraments to his own clergy? *num. 233 v.* Finally. How often is one bound to celebrate the sacraments? *n. 313 v.* Regarding. Can a bishop prohibit the acceptance of a larger stipend? *l. 6. 320 Dub. 2*. Can a smaller stipend be accepted? *ib. Dub. 3*. Can he dispense, so that the sacraments may be celebrated elsewhere? *n. 329*. Can he diminish the number of Masses? *n. 331*. *Dub. 4*. Can he regulate anniversaries, prayers, etc.? *ib. Dub. 3*. Can he dispense so that a Mass may be celebrated after midday? *n. 344*. Can he erect chapels in the houses of religious orders, or of another community, and in prisons? *n. 357*. See *Neque II*. Can the sacraments be celebrated in the palace of a rural bishop, even outside the diocese? *ibid. See *Neque III*. Even if the bishop is absent? *ib. in fn.* Can a bishop celebrate the sacraments in a private home belonging to another? *n. 358*. Can he grant permission for the sacraments to be celebrated in a private home at times? *num. 359*. Can he delegate the faculty of blessing vestments? *n. 378*. *Dub. 4*. Can only the bishop have a window in the church? *n. 524. v. 7*. Only. Concerning whom may a bishop approve confessors? *l. 6. n. 647. et 548*. Concerning religious orders? *n. 549*. Can a bishop approve confessors through another? *n. 550*. See *v. 3*. Can a bishop recall approved confessors for examination? *n. 552*. Can a bishop absolve a confessor who is excusing a complicit party from confession? *n. 556*. Question 2. Can a vicar, even if the bishop objects, grant permission to hear confessions? *n. 558*. Can a bishop choose any priest as a confessor? *n. 565*. *Dub. 4*. Is

Translated by churchlatin.ai, a product of Boyne Archives

one bound to give an extraordinary confessor to nuns twice, or three times? *n. 576 v.* The same. And also to those who are exempt, if their prelates neglect this. *ib.* Regarding the enclosure, can a bishop reserve cases for nuns? *l. 6. n. 602*. Question VII. Can bishops absolve pilgrims from papal censures, and dispense with them in irregularities, etc.? *n. 593*. Outside of the sacraments? *ib. v.* Here. What if a bishop incurs a papal censure? *ib.* When is a crime considered concealed? *ib.* Note 3. From what kind of offense can a bishop absolve? *l. 7. n. 276*. Can he dispense in vows? *d. n. 593. v.* Whether. Can bishops absolve papal cases even after the Council of Trent? *n. 594*. Can this faculty be delegated? *ib. Dub. 9. et l. 7. n. 93*. Can they delegate what pertains to them by ordinary law? *ib.* Can they absolve from hidden heresy? *l. 7. n. 82. et 83*. Can they absolve impediments? *num. 84*. Even through another? *n. 90*. What if someone is impeded from approaching the bishop? *n. 92*. Can bishops dispense in an irregularity with a subject who is residing elsewhere? *l. 7. n. 81*.

[*Latin ed. p. 486*]

Regarding the validity of ordinations:

Whether an ordination is valid when performed for someone who is manifestly unworthy? n. 428. Whether it is valid when performed for someone who is conditionally ordained? n. 429. Whether it is valid when performed for someone who is secretly unworthy? n. 430. Whether it is at least valid when performed for someone who is only to be administered to? n. 431. Whether an ordination is valid when performed due to a defect? n. 469. Whether dispensations can be granted regarding impediments to the celebration of the sacraments? l. 6. n. 705. How should a bishop be ordained? l. 6. n. 755. Can a bishop confer the tonsure in another diocese? n. 756. A bishop illicitly confers orders, if he does not celebrate. l. 6. n. 744. Note II. The protestation of a bishop who refuses to ordain excommunicated individuals, etc. n. 784. See also: Regarding. Which bishop can examine candidates for ordination from another diocese? n. 787. The proper bishop must examine them. Ibid. The death of a bishop does not extinguish dispensations. Ibid. See Note 2. Regarding dispensations, see also: Regarding. Can a bishop ordain a foreigner under the hope of absolution? n. 789. A bishop who confers the priesthood without knowing that the recipient has doubts regarding ordinary matters or a false confession from a dying person. n. 791. See also: From. Can a bishop ordain religious without examination? n. 972. Can he require knowledge that is not common from his own clergy? Ibid. Ad 2. Can he examine confessors and parish priests? Ibid. Can he grant dispensations in difficult cases, and what are those cases? n. 795. A bishop who ordains in another diocese is suspended. n. 798. See also: Add. Whom can he ordain if he has a general ordination granted by the local Ordinary? Ibid. Who is the bishop of ordination, see: Order. Bishops can rightly prohibit ordination due to a hidden crime. l. 6. n. 69, in footnote. A

Translated by churchlatin.ai, a product of Boyne Archives

bishop who ordains can reject someone due to a physical defect. l. 7. n. 414. Can a bishop establish impediments that are impediments? n. 980. Can he impede marriage? n. 982. Can he grant a dispensation in a case of loss of chastity after marriage? n. 986. See also: But. Can he grant a dispensation in a case of loss of chastity before marriage? n. 987. Can he grant a dispensation for marriage? In Doubt 3. What if he is the only one aware of the impediment? n. 1002. Doubt 2. When can he grant a dispensation in cases of notification? n. 1003 to 1005. Can he ever grant a dispensation in cases of impediments that are impediments? n. 1121 and following. Can he delegate this power? n. 1125. Can he grant a dispensation in all impediments? n. 1126. Must each spouse be dispensed by his own bishop? n. 1128. In cases of doubtful impediments to marriage, can bishops rightly grant dispensations? l. 6. n. 902. See also: Furthermore. Are censures pronounced by a bishop in a synod perpetual, etc.? l. 7. n. 6. Can a bishop bind a subject from another diocese with a censure for a fault committed in his diocese? n. 26. Can he impose censures for future sins? n. 49. See also: It is doubted. Who has the authority to absolve from censures in the name of bishops? l. 7. n. 79. Can bishops use [something]? See also: It is permitted, where the Council of Trent is not accepted? n. 80. A bishop conversing with clerics from another diocese. l. 7. n. 243. A bishop suspended from pontifical functions, if he exercises them. n. 514. Doubt 2. What if he celebrates solemnly? Ibid. See also: Solemnly. Regarding negligent bishops about whom a confessor should inquire. See also: Practice of confessors. n. 53.

[*Latin ed. p. 487*]

Letter. How and when do Papal letters obligate? Book 4, chapter 108, paragraph 108. See the question raised. Book 8 and Book 4, chapter 1027, paragraph 1027. See what we have said. Is a notification to be made by letter? Book 6, chapter 699, paragraph 699. If one is hindered from going to Rome, is he bound to go by letter if he has his Papal dispensation? Book 7, chapter 69, paragraph 69. Hermits, do they come in the name of monks? Book 7, chapter 171, paragraph 171. Error, and to err, a jurament (oath) extorted by error. Book 4, chapter 175, paragraph 175. Value and error. Chapter 108, paragraph 108. Does a common error confer a juridical effect? Book 6, chapter 573, paragraph 573. What about a colored title? Ibid. What if, through error, you kill one person instead of another? Book 4, chapter 618, paragraph 618. Or, if you set fire to one person's house instead of another's? Chapter 630, paragraph 630. An error that invalidates a contract. Book 4, chapter 715, paragraph 715. Is one who errs in reciting the Office bound to repeat it? Book 6, chapter 161, paragraph 161. See the question. See. An error concerning a person that invalidates marriage? Book 6, chapters 1009 and 1010, paragraphs 1009 and 1010. Concerning the qualities of a person. Chapters 1014 to 1016, paragraphs 1014 to 1016. How should a confessor correct the errors he himself has committed? Book 6, chapter 618,

Translated by churchlatin.ai, a product of Boyne Archives

paragraph 618. An error in dismissing vows, without a prior examination. See Prato, Conf. chapter 20. Evacuation of the mind, see Distraction. Eucharist. One who is in mortal sin, carrying the Eucharist. Book 8, chapter 35, paragraph 35. See also Communion. If someone in mortal sin administers the Eucharist. Book 6, chapter 35, paragraph 35. If he touches it, or tastes it, or blesses it. Ibid. See also. If he gives Communion to many. Ibid. See. Hins. Disposition of the soul for receiving the Eucharist. Book 6, chapter 359, paragraph 359. Disposition of the body. Chapter 271, paragraph 271. The essence of the Eucharist, in what does it consist? Chapter 169, paragraph 169. Is the entire specific reason preserved in one aspect? Chapter 194, paragraph 194. The unity of the Eucharist. Ibid. See question 2. Is the Eucharist necessary for salvation? Chapters 200 to 293, paragraphs 200 to 293. The obligation of consecrating the bread and wine into the species. Chapter 198, paragraph 198. Can the Pope dispense in this matter? Chapter 198, paragraph 198. Doubt 2. Is consecration valid in only one species? Doubt 3. What kind of bread is the material of the Eucharist? Chapter 190, paragraph 190. What kind of wine? Chapter 206, paragraph 206. Is the host broken or stained? Chapter 204, paragraph 204. Concerning the shape of the host. Chapter 205, paragraph 205. Is it permissible to celebrate with a smaller host? Ibid. Concerning the water to be added to the wine. Chapters 208 and following, paragraphs 208 and following. The material must be present. Chapter 211, paragraph 211. If the hosts are enclosed in a tabernacle. Chapter 212, paragraph 212. If they are behind, or at a distance, etc. Chapter 213, paragraph 213. The material must be determinate. Chapters 214 and 216, paragraphs 214 and 216. Is it consecrated by an unconscious priest? Chapter 216, paragraph 216. Concerning the particles in the chalice. Ibid. If the celebrant forgets. Chapter 216, paragraph 216. If the chalice is made of a foreign material. Chapter 217, paragraph 217. If the hosts are carried to the altar after the offertory. Ibid. See 17. When does the celebrant sin in consecrating? Chapter 219, paragraph 219. The form of the Eucharist, what is it? Chapter 220, paragraph 220. The words to be pronounced, expressly and meaningfully. Ibid. What form is illicit, what is invalid, and what is doubtful? Chapter 221, paragraph 221. Concerning the words to be said before, "Who art worthy," etc. Chapter 222, paragraph 222. Concerning the form of the chalice. Chapter 223, paragraph 223. When does Christ manifest Himself in the Eucharist? Chapter 225, paragraph 225. When is it received?

[*Latin ed. p. 488*]

Grace. n. 226. Concerning preparation for receiving. n. 227. Whether more grace is received from both species. n. 228. If consecrated wine is mixed with another liquid, or with another wine. n. 229. How the Eucharist is to be kept. n. 248. Whether it is to be administered at Masses for the Dead. n. 249. If the Host should fall. n. 250. Concerning fragments. n. 251. At what hour may dispensation be granted? n. 252. See other words: Communion.

Translated by churchlatin.ai, a product of Boyne Archives

Effects of the Eucharist. n. 269. To whom does the administration of the Eucharist pertain? n. 230. What is required for a lawful administration? n. 241. Concerning the disposition of the soul for a lawful reception of the Eucharist. n. 255. Concerning the disposition of the body. n. 271. Concerning the obligation to receive. n. 290. Is it permissible to bring the Eucharist to the sick for adoration? n. 243. At the end. Concerning the Eucharist as a Sacrifice, see Mass. In which churches may the Sacrament of the Eucharist be kept? n. 424. See also the last line. Eviction when it must be done? l. 4. n. 800. See also. Eunuch, whether he is irregular, namely, one who has mutilated his genitals or testicles. l. 7. n. 416. What if for the sake of maintaining his vocation? n. 448. Examination, and to examine. The parish priest is bound to examine midwives. l. 6. n. 447. See also. Examination required for confession. l. 6. n. 471. What if the penitent is unlettered? Ibid. See also 2. Examination. And in the practice of confession. n. 20. Examination to be made by the confessor for the unlettered. Dict. n. 20 and following. Is there an obligation to write down sins? l. 6. n. 471. See also 3. It is not. The bishop can recall approved persons and parish priests for examination. n. 552. Examination of religious to be ordained. n. 792. Examination is necessary for orders. n. 783. Ad V. Whether the bishop ought to examine personally. n. 787. The bishop to whom he can examine if he wishes. Ibid. Whether the bishop who gives canonical mission should examine his own. Ibid. and n. 792. See also. 2. He can ordain religious without examination. n. 792. He can demand greater knowledge from his own. n. 792. See also 2. Examiner. Examiners are bound to report the more worthy to the bishop. l. 5. n. 441. Canonical examiners are not excused from the choir. l. 5. n. 434. See also. They feel. Excommunication, and excommunicated. Is it permissible to excommunicate on a feast day? l. 4. n. 387. When are excommunicated persons excused from hearing Mass? n. 325. Does one incur excommunication by killing one cleric for another? n. 628. Is a beneficiary who is excommunicated bound to restitution? n. 670. What is excommunication, and how many kinds are there? l. 7. n. 433. When does minor excommunication occur, and what are its effects? n. 447. And who can absolve from it? n. 455. What are the effects of major excommunication? n. 457. And who can absolve from it? n. 69. Excommunications not reserved to anyone. n. 209. Against clerics. n. 210. Against religious. n. 214. Excommunications in the Council of Trent. n. 212. Excommunications reserved to bishops. n. 243. Concerning excommunication by warning. n. 246. to 247. Excommunications.

[*Latin ed. p. 489*]

Reservations of the Pope, outside of the Bull of Communion. No. 218 and 219. Against those who engage in duels. No. 220. Against those who violate the enclosure of nuns and religious. No. 224. Against those who assert that they are heretics, or who commit grave sins, who hold that the Blessed Virgin Mary was preserved from the stain of original sin, or

Translated by churchlatin.ai, a product of Boyne Archives

who hold the opposite opinion. No. 244. Against those who assault clerics. No. 264. Papal excommunications, and especially against those who read, etc., the books of heretics. No. 281. Concerning the excommunication of an informant. No. 288 and 289. Against heretics, their supporters, etc. No. 300. Other excommunications in the Bull. No. 309. Whether one who is under a reserved excommunication can receive Communion in necessity, and whether he can then also receive the Sacrament of Penance. Book 6, No. 265. Question 3. Concerning the excommunication of those who do not denounce confessors who are soliciting them; whether, after making the denunciation, they can be absolved by anyone. No. 693. See also. Concerning an excommunicated person. Whether it is permissible to request the sacraments from an excommunicated person? Book 6, No. 88. Whether a shunned person can absolve a dying person? Book 6, No. 560. Question 1. If an excommunicated person is ordained, is he irregular? No. 799. See also. Whether it is permissible for an excommunicated person to request marital relations, and whether it is permissible for an excommunicated person to grant them? Book 6, No. 934. Does a parish priest who is excommunicated commit a grave sin if he officiates at a marriage? No. 1083. Can he grant permission to another to officiate? No. 1084. Who is considered a shunned excommunicated person? Book 7, No. 435 to 437. Whether it is permissible to commune with tolerated persons. No. 438. Whether in the sacred rites, and without necessity? No. 439. When is an assailant of a cleric to be shunned? No. 441 to 445. When can it be believed that an absolved person is shunned? No. 446. It is not permissible to commune with a shunned person, neither in the sacred rites nor in a civil manner. No. 488. Whether it is frequently mortal. No. 498. Does one commit a grave sin by receiving Communion in the sacred rites, or in the same crime? No. 496. When does one incur a greater excommunication? No. 499. When is one excused? No. 200. Is Extreme Unction to be given to excommunicated persons? No. 752. Can an excommunicated person be absolved from sins before being absolved from censures? Book 7, No. 459. Is an excommunicated person bound to lift the impediment? No. 461. Does an excommunicated person validly administer the sacraments? No. 466 and 467. Under what circumstances is it permissible? No. 469 and 470. The penalty for an excommunicated person administering. No. 474. For those who receive from him, etc.? No. 472. What should be done if an excommunicated person wishes to assist at Mass? No. 175. Is an excommunicated person bound to recite the Hours, etc.? No. 478. If he recites them privately with another. Ibid., at the end. Is an excommunicated person ineligible for benefices? Book 7, No. 179. Is he ineligible for dignities? No. 480. See Note II. Is he deprived of the fruits? No. 483. Excuses. What excuses one from censures? Book 7, No. 42. Ignorance? No. 43 and 44. What if it is mortal? No. 45. What if it is inadvertent? No. 47. What if it is affected? No. 48. Does fear excuse? No. 49. See also. 7. Excommunication from the Church. Book 6, No. 368.

Translated by churchlatin.ai, a product of Boyne Archives

See also. 2. Church. Excommunication from the altar. No. 369.

[*Latin ed. p. 490*]

Execratory oath: When is a true oath? Book 4, paragraph 140.

Executor: Who can be executors of a will? Book 4, paragraph 936. Can someone be an executor through others? Ibid., question 3. Can a religious person, as executor, apply legacies to their monastery? Paragraph 937.

Exemption, and Exempt: Do monasteries come under the name of places? Book 1, paragraph 147. Answer: No. Are monasteries of regular canons exempt places? Book 7, paragraph 24.

Exercising [a trade] that is dishonorable or cruel is irregular. Book 7, paragraph 486, section 4.

Is it necessary to perform the exercises of the order received? Book 6, paragraph 601. Irregularity is incurred by not performing the exercises of the sacred order. Book 7, paragraph 359.

Disinheritance, and to disinherit: When can parents disinherit their children? Book 4, paragraphs 948 and 949.

Exhortation, order, matter, office. Book 6, paragraphs 738, 745, 805.

To expect: A lender with an obligation to wait for a long time. Book 6, paragraph 760.

Expenses: Is a thief obliged to restore with greater expenses? Book 4, paragraphs 598 and 677. Can the owner deduct expenses incurred in relation to the thing stolen? Paragraph 618. Are adulterers obliged to reimburse the expenses of hospitals in which they expose their children? Book 4, paragraph 656. What is included under the name of expenses in a society? Book 4, paragraph 900. Can a cleric deduct travel expenses? Ibid. Whose expenses are to be paid for the education of children after a divorce? Book 6, paragraph 976.

Exposing children in hospitals. Book 4, paragraph 656.

Exposition of the Eucharist: Book 6, paragraph 424. See reference. Can the prayer of consecration be said during the exposition in Mass? Paragraph 411. See probable. In a solemn Mass, the Gloria and Creed are said for 40 florins, or for a serious reason. Ibid., paragraph 411. For what reason can a solemn exposition be celebrated? Paragraph 424. See reference. Statues, relics, etc., are prohibited from being placed on the altar at that time. Ibid. See note.

Is the exposed child to be baptized? Book 6, paragraph 435. Is it irregular? Book 7, paragraph 432.

Is a person experiencing ecstasy exempt from attending Mass? Book 4, paragraph 318.

Extraordinary: See Montalis.

Extreme Unction: What is Extreme Unction, and what must be observed

Translated by churchlatin.ai, a product of Boyne Archives

regarding it? Book 6, number 706. Regarding the remote matter. Number 708. Regarding the proximate matter. Number 710. Regarding the form. Paragraph 711. Who administers it? Paragraph 712. Can it be repeated in the same illness? Paragraph 715. Can it be given after Viaticum? Paragraph 716. Can it be given to children? Number 717. Regarding the minister. Numbers 722 and 723. Is it permissible to administer it without an assisting minister? Paragraph 724. How is it to be administered? Paragraphs 728 and following. Can it be given to those who request it, and can it be given when there is danger of death, and can it be given by a simple priest? Paragraph 729. Regarding the subject. Paragraph 732. Does one gravely sin by neglecting to receive it? Paragraph 733.

[*Latin ed. p. 491*]

F.F.A. After one year, one can no longer petition in Naples. Book 4, paragraph 516. Fabric (Manufacture). Can a legacy destined for the Church's fabric be spent on other things? Book 4, paragraph 930, see Question 9. Factor (Agent). Is the office of a factor forbidden to clerics? Book 2, paragraph 838, see Vatican Council. A fact is presumed to have been done properly. Book 1, paragraph 26, in the footnote. Faculty of dispensing. Life. Dispensation. The faculty of Bishops, concerning Chapter "It is permitted." Book 7, paragraph 74, and following. The faculty of beggars to receive ecclesiastical censures. Paragraph 94 to 107. Given the faculty to absolve from excommunication, can cases subject to the Bull of Ceta be absolved? Paragraph 110. Given for cases subject to the Bull, can heresy be absolved? Paragraph 112 to 113. Can a general vicar of a Bishop give a faculty to one hearing confessions to contradict the Bishop? Paragraph 558. Faculty presumed to hear confessions. Book 6, paragraph 570. Concerning the faculty regarding indulgences during jubilees. Paragraph 537. (footnote VIII, and Book 7, paragraph 141, and 115). Faculty. The Sacred Pontiff's regulations concerning cases, irregularities, incapacities, vows, etc. Book 7, number 470. False. Does a person remain absolved if they expose a falsehood? Book 7, paragraph 432. If the causes presented are false for a dispensation from marriage. Book 6, paragraph 1131, note 2. Reputation. Should the loss of reputation be compensated with money? Book 4, paragraph 806. Restoration of reputation. Paragraph 988. Can eight days of penance suffice for the loss of reputation? Book 4, paragraph 388. Is it permissible to defend one's reputation by defaming another? Book 4, paragraph 972. When must reputation be restored? Paragraph 994. Is this found among the approved authors? Ibid. See. It is asked. How should reputation be restored if a crime has been propagated? Paragraph 992. What if it is done in good faith? Paragraph 993. Should one then be liable for damages if one does not restore reputation? Number 994. For all damages? Ibid. See. But rather. Causes excusing from the restoration of reputation. Paragraph 997. If the judges have declared the matter to be deleted. Paragraph 998. Can reputation be

Translated by churchlatin.ai, a product of Boyne Archives

compensated with reputation? Book 4, paragraph 999. Is one obligated to compensate for the loss of reputation to one's children? Book 4, paragraph 1000. Can a defamed person compensate with money? Paragraph 1001. Does the danger of violence, or one's own infamy, excuse from the restoration of reputation? Paragraph 1002. If the defamed person remits, is this remission permissible? Number 1003. Does a damaged reputation impede marriage? Book 6, number 999. If the loss of reputation is privately given by a judge. Ibid. Relatives of Cardinals and Bishops can confirm themselves in their office. Book 5, paragraph 141, see. According to. Relatives of a Bishop, when can they be ordained by him? Book 6, paragraph 770, see VI. As for. Famine. Is a condemned person, so that they may perish from famine, obligated to accept food offered to them? Book 5, paragraph 284. Servant and Servitude. Is it permissible for a servant to defend their goods with arms?

[*Latin ed. p. 492*]

Mini? l. 4. n. 385. What cooperation is permitted to servants? l. 3. n. 63. Is it permissible to accompany a man to a brothel? n. 64. Is it permissible to accompany a concubine to a brothel? Ibid. Is it permissible to give gifts to a prostitute? n. 65. Is it permissible to open the door for a prostitute? n. 66. Is it permissible to provide a ladder so that the master may ascend to commit fornication? Ibid. Question IV, and l. 4. n. 571. Is it permissible to write love letters? No. 67. Is it permissible to provide meat? n. 68. Is it permissible for a servant to cooperate with a usurious master? l. 3. n. 78. A servant equivocating. l. 4. n. 465. Is it permissible to give alms from the master's possessions? n. 519. What vows can the master invalidate concerning the servants? n. 240. Are servants compelled by the master to work on a feast day excused? l. 4. n. 296. Are servants excused from attending Mass? n. 327. To what are servants bound with regard to their masters? n. 343. To what, if they do not prevent the theft of the master's property? n. 344. Can a departing servant request his wages? n. 345. Is a sick servant bound to perform his duties? n. 346. Is a salary and the expenses of treatment due to a sick servant? l. 4. n. 864. Can a servant demand his wages after three years have elapsed? No. 347. What if he has served without a stipulated wage? No. 348. When can he compensate himself for his labor? n. 349. Can a sinful female servant be absolved with the master? n. 349. Servants are not permitted to demand anything in Naples after two months from their departure. l. 4. No. 516. Can servants receive wages from debts owed to others? n. 694. Where should servants of monasteries receive Holy Communion during Easter? l. 6. n. 240. v. 40. Can servants of a bishop be ordained by him? n. 780. v. It is questioned. Natural fascination. l. 4. n. 22. Does a tertian or quartan fever excuse one from reciting the Divine Office? l. 5. n. 455. Is a working spouse bound to provide for the household if suffering from a fever? l. 6. No. 952. Is a person working while suffering from a continuous fever considered

Translated by churchlatin.ai, a product of Boyne Archives

irregular? Book 7. No. 409. A woman wearing men's clothing. l. 3. No. 52. v. If a woman. How are pregnant women or those in labor excused from attending Mass? l. 4. n. 330. If they know they are lustfully inclined? l. 3. n. 53. and l. 4. n. 354. Is a woman bound to suffer death rather than be violated? l. 4. n. 368. A woman killing an assailant of a female relative. No. 391. A woman, when oppressed, expelling the seed of the aggressor. n. 394. v. They say. A woman adorning herself and painting her face. l. 4. n. 425. A woman concealing her breasts. l. 3. n. 55. v. It is questioned. A fifty-year-old woman is not excused from fasting. l. 4. n. 1037. See other words. A girl. A pregnant woman condemned to death, should she undergo an abortion so that the child may be baptized? l. 6. n. 406. v. Indeed. Can a woman respond in the Mass? n. 392. If a woman is barren, and could become pregnant without danger of death, is marriage permissible? n. 409. What if, after a divorce, she becomes suitable for marriage through a second marriage? n. 4098. Is she bound to undergo an incision? n. 4099. Is a vow of virginity binding? n. 4400. If a woman strikes a cleric who is harassing her. l. 7. n. 275. at the end.

[*Latin ed. p. 493*]

During festive days, solemnities, and blessings pertaining to marriage are prohibited. Book 6, paragraph 983. Can a blacksmith work with iron, and shoe horses, on a feast day? Book 4, paragraph 300. Concerning conjugal union on a festive day: Is it permissible? Book 6, number 923. Concerning the observance of feasts. Book 4, number 263. Concerning works undertaken on feasts. Number 272. Doubts: I. Excuses for working on feasts. Doubts: II. Works prescribed for feasts. Doubts: III. Is there an obligation to attend Mass in the parish? Doubts: IV. Excuses for not attending Mass. Doubts: V. Is sin committed on a feast day sacrilegious? Book 4, paragraph 46. Concerning feasts in the kingdoms of Naples and Sicily. Book 4, paragraph 332. See reference. Feud, and Feudatory. See Book 4, paragraph 867. Fiction. A rapist falsely promising marriage. Book 4, number 642. Guarantee. See Book 4, paragraph 912. Faith. Which mysteries must be believed by necessity of the matter? Book 3, paragraphs 4 and 2. Which things must be known by precept? And must they be known knowingly? Paragraph 3. How does the precept of faith obligate? Paragraph 5. Condemned propositions. Paragraph 6. Concerning the acts of faith. Paragraph 7. Concerning the opinion to be held regarding faith. Paragraph 40. Faith to be confessed outwardly. Number 44. Is it ever permissible to positively deny the faith? Paragraph 42. Is it permissible to use ambiguous words when confessing the faith? Should one remain silent? Should one flee? Paragraphs 43 and 44. Is it permissible to use the clothing and symbols of infidels? Paragraph 45. Is it permissible to hear sermons from them, or from heretics? Paragraph 46. Good faith in the perception of fruits. Book 4, paragraph 502. Good faith required in prescription. Paragraph 504. Which fruits is the possessor in good

Translated by churchlatin.ai, a product of Boyne Archives

faith obligated to restore? Paragraph 610. How many sins does one commit who denies several articles of the faith? Book 2, paragraph 50. If a doubt arises concerning marriages contracted in good faith. Book 6, paragraph 904. What if there is doubt in the faith? Paragraph 906. What if one spouse hears an impediment from someone not of sound faith? Paragraph 908, see Second. What if from someone of sound faith? Ibid., see Third. What if one spouse converts to the faith? Paragraph 935, see II, and paragraph 957. Is it required that a marriage be entered into in good faith, so that the Bishop may, if necessary, dispense from an impediment? Book 6, paragraph 4424. Son. Sons are obligated to show love to their parents. Book 4, paragraph 333. Reverence. Paragraph 334. Obedience. Paragraph 335. The obligation of parents towards their children. Number 336. Neapolitan law concerning the support of children. Paragraph 338. When may parents disinherit their children? Book 4, paragraphs 948 and 949. Is the remission of a murdered father valid to the detriment of the children? Book 4, number 630. Can children receive support from a father burdened with debts? Paragraph 695. Donation between a father and son. Paragraph 724. Loan given to a son. Book 4, paragraph 757. Is the profit from gambling to be restored by a son? Paragraph 872. How much may a son gamble? Paragraph 876. A son doing business with his father: Paragraph 940. When is a son prohibited from becoming a religious? Book 5, paragraph 66. When?

[*Latin ed. p. 494*]

Do professed religious have an obligation to provide assistance to their parents? No. 87. Parents dissuading their children from religious life. No. 77. Can a son receive compensation for work performed in order to benefit his father? Book 4, No. 344. What constitutes a grave theft by children? No. 543, ibid. When are they obligated to restore what they have taken to their parents? No. 546. Is it permissible to sell children to parents for a price? Book 6, No. 133. If parents enter into betrothals for their children without their consent? No. 838. If for absent children? No. 839. See Question 9. Children marrying against the will or knowledge of their parents. No. 849. When are they excused? Ibid., at the end. See. Are children obligated to marry if their parents demand it? No. 886. Regarding children raised by others after a divorce, and at whose expense. No. 976. Are abandoned children considered irregular? Book 7, No. 482. Conclusion. Does a law cease to be in effect when its purpose is no longer served? Book 4, No. 499. Is there an obligation to fulfill the purpose intended by the giver of a gift? Book 4, No. 734. Is it permissible to rejoice in the misfortune of a neighbor for the sake of a good end? Book 2, No. 81. Can a sin be mortal in reason of the ultimate end? Book 2, No. 60. What if one omits Mass for the sake of amusement? Ibid. What are the legitimate ends of marriage? Book 6, ex. No. 884. The Treasury (Fiscus). Preventing the application of a penalty to the treasury. Book 4, No. 588, and Book 8, No. 827. Conception. Is it ever

Translated by churchlatin.ai, a product of Boyne Archives

permissible for a mother to use medicine to expel an inanimate conception? Book 4, No. 394. Question I. Is there a danger of abortion with an inanimate conception? Ibid. Question II. And when is a conception considered animated? Question III. Forensic Matters. Forbidden forensic practices on holy days. Book 4, No. 284. From what source is the gravity of the matter derived? No. 397. When is a form said to be changed essentially? Book 6, No. 41, v. 3. When is it changed accidentally? Ibid., v. The Form. The forms and matter of the Sacraments, as determined by Christ. Ibid., No. 12. The form of Baptism. No. 108. Of Confirmation. Book 6, No. 487. The form of the Eucharist. No. 220. Of Penance. See No. 428. Of Extreme Unction. No. 714. Of Holy Orders, namely, the diaconate. No. 748. Of the priesthood. No. 749. Of Matrimony. See No. 897. Formula for obtaining a dispensation in a matrimonial impediment. Book 6, No. 1147. Other formulas for dispensation in irregularities, censures, vows, etc. See in the Practical Confessor, No. 67. Formula 828 for granting a dispensation. Book 6, No. 1148. Is threat permissible by natural law? Book 4, No. 432. Does a threat made by a betrothed person differ in species from other threats? No. 447. Can fragments of the Host be taken after Mass? Book 6, No. 251. Brother. When is a society considered to be established between brothers? Book 4, No. 907. Question V. Is there an obligation to leave goods to one's brothers? No. 940. And to support them? Ibid. The distribution of goods among brothers. No. 954. The obligations of brothers to one another. Book 4, No. 340. Is one obligated to provide a dowry for one's sisters? Ibid. Can one enter religion by abandoning one's brothers in need? Book 8, No. 70. Regarding the prevention of the acquisition of property through fraud. Book 4, No. 339.

[*Latin ed. p. 495*]

With Fraud, n. 687. One who fasts fraudulently. l. 4, n. 1045. When it is said that one deceives in the reservation [of tithes]. l. 6, n. 589. See How. When it is said that someone receives a clerical habit fraudulently. m. 827, concerning the end. Fruits. What fruits must the possessor in good faith restore? l. 4, n. 610. What must the possessor in bad faith restore? n. 616. The fruits of industry are not to be restored. n. 784. The beneficiary who does not receive the fruits. n. 664. The penalty for not making use of the fruits, as long as they are not restored to the Church. l. 4, n. 149, and l. 4, n. 663. What if the fruits are not received? n. 664. What if the office is neglected without fault? n. 665. What if the office is neglected during the first six years? n. 666. If the benefice is a small one. n. 574. Concerning those who do not reside [in the parish]. l. 5, n. 426. Collecting the fruits of fields on a feast day. l. 4, n. 298. See Permitted. To whom do the fruits of a sold thing belong, after the condition is fulfilled? n. 797. To whom do the fruits of a sold thing belong, but not yet delivered? n. 798. Ibid. Is it permissible to receive a pension for a special fruit? l. 6, n. 318. See Here. Is an excommunicated person deprived

Translated by churchlatin.ai, a product of Boyne Archives

of the fruits of a benefice? l. 7, n. 181, and n. 183. Can a pauper suspended from a benefice collect the fruits? n. 316. Doubts. I. What is a fugitive from religion obligated to do? l. 5, n. 79. Is he obligated to perform divine works? n. 442. See Doubts. 2. A madman, see Insane. Thief, Stealing, and Theft. Is a thief obligated to restore the principal, if he claims that a partner has restored it? l. 4, n. 579. See Whether. Is a thief who sends restitution through a trustworthy person obligated to restore it again, if it is lost? Ibid, n. 676. What if he does so by order of a confessor? Ibid. Is it permissible to kill a thief? l. 4, n. 383. Is it permissible for a cleric? Or a religious? l. 4, n. 384. A thief consuming a stolen thing out of extreme necessity. l. 4, n. 520. See Question IV. What if several thieves steal several small things, each unaware of the other? n. 535. What if they are all aware? n. 536. What if each is influenced by the example of the other? n. 537. What if someone steals a small amount after having committed a serious offense? n. 538. How many sins does one commit who, a hundred times, steals a golden coin, intending to steal a hundred? l. 2, n. 44. Is a thief obligated to return the thing to the owner, along with any damage? l. 4, n. 598. With greater damage? Ibid. Receiving from a powerful thief a mixed item with his own goods. n. 611. What if, through this acceptance, the thief becomes unable to restore? n. 612. Can the owner retain the expenses incurred on the item from the thief? n. 618. And is the thief obligated for all damages, even if only vaguely foreseen? n. 613. What if the thing perishes with the thief, when it would have perished with the owner as well? n. 620. A thief killing a lamb that would later be worth more. n. 621. A thief consuming a thing at a time when it is worth more. Ibid. A thief using stolen money to make his own. n. 749. What is theft, and what kind of sin is it? l. 4. Doubts. I. Concerning a serious matter in theft. Doubts. II. Concerning many thefts. Ibid. Doubts. II and III. Concerning thefts committed against different owners.

[*Latin ed. p. 496*]

l. 4. n. 534. And can restitution be made to the poor? Ibid. Qu. II. Concerning thefts by servants. Dub. IV. Is theft in a church, or sacristy, sacrilege? l. 4. n. 39. What are servants obligated to do if they are not preventing thefts? l. 4. n. 344. Theft of exposed goods. n. 529. Can a small theft ever give rise to a serious obligation? n. 553. Are minor thefts to be restored to the citizens, or to the poor? n. 595. Is there an aggravating circumstance to be considered in theft? l. 6. no. 468. Does a cleric who steals secretly incur excommunication? l. 7. n. 275. What is a furtive reception into the Orders? l. 7. n. 364. Irregularity due to a furtive reception. l. 7. n. 360. and 361. In cases of uncertain thefts, the Holy Penitentiary can remit part of the penalty. n. 370. concerning future things. Censures for future sins. l. 7. n. 49. G. GABELLA. Who can impose taxes? Book 4. no. 645. Conditions of a just tax. Ibid. Qu. II. Do those who defraud sin, and are they obligated to restore? no. 616. What about things for personal use, and concerning the poor? Ibid.

Translated by churchlatin.ai, a product of Boyne Archives

Qu. IV. What if there is doubt about the justice of a transaction? n. 617. Concerning a debt owed to the King, etc.? Ibid. Qu. VI. What if someone buys a commodity from a defrauder, etc.? Ibid. Qu. VII. To whom is the tax to be paid, to those who made the contract at the time, or to those to whom the thing was delivered? Book 4. no. 796. If you throw a gem, believing it to be worth ten, but it is worth one hundred. l. 4. n. 613. Is it ever permissible to prevent procreation? l. 6. n. 954. A contract made with a pagan. l. 4. n. 812. v. If in a sale. Is it permissible to give a sword to someone about to commit murder? l. 3. no. 76. v. 2. He sins. But see the true judgment. l. 4. n. 571. v. More precisely. Degrees. Rules for distinguishing degrees. l. 6. n. 4099. If only the more remote degree is mentioned in a petition for a dispensation. n. 4136. Grace does not expire with the death of the grantor. l. 4. n. 493. The grace conferred by the Sacraments. l. 6. n. 6. v. Note V. From the work performed and the one performing it. n. 3. and 6. v. Note V. The state of grace is required in the minister. n. 30. to 41. Grace and Gratuity. In case of doubt, did the lender give something gratuitously? l. 4. n. 761. Qu. II. Debts that are burdensome must be restored before those that are gratuitous. n. 689. The gravity of the matter, see the Parvity of the matter. Gluttony, what kind of sin is it? l. 2. n. 73. Is it permissible to use the enjoyment of food? Ibid. v. 4. Concerning those who vomit in order to eat again? Ibid. v. 2. See other things, v. Intoxication. Are the drops of wine adhering to the chalice consecrated? l. 6. no. 215. Are drops of water mixed with saliva a violation of the fast? n. 279. Doubt 2.

[*Latin ed. p. 497*]

Here follows a translation of the provided Latin text:

I. Concerning the Residence of Bishops: Where the residence of Bishops should be. Book 5, paragraph 424.

Residence of Parish Priests: Ibid., see "Parish Priest."

Habits, Habitual, and Habitual: (Terms related to dress and custom).

Habits of Clergy: Book 5, paragraph 488. (See also Book 6, paragraph 825).

The Clerical Obligation to Wear the Habit: Book 6, paragraphs 825 and 827.

One Receiving the Clerical Habit Fraudulently: Paragraph 827, near the end.

Can a Person Receiving the Habit be Absolved? Question 63.

What is Meant by "Habitual Intention"? Book 6, paragraph 45.

It is Not Sufficient in a Minister of the Sacraments: Paragraph 46.

It is Sufficient in One Receiving the Habit: Paragraph 81. See "Certain."

Heretics and Heresy: What is heresy? Doubts, Book 3, paragraph 3, Book 3, paragraph 49.

Translated by churchlatin.ai, a product of Boyne Archives

Who is Called a Heretic? Ibid., see paragraph 4.

When is a Heretic Obligated to Abandon His Sect? Paragraph 9.

It is Forbidden to Attend the Sermons of Heretics: Paragraph 66.

Marriage with a Heretic: Paragraph 49, see paragraph 7.

The Extent of Heretical Blasphemy: Book 4, paragraph 122.

When Should it be Denounced? Paragraph 123, and Book 5, paragraph 252.

Are We Obligated to Denounce Heretics with Grave Harm? Book 5, paragraph 249.

Heretics Who are Our Relatives? Ibid., paragraph 250.

All Those Suspected of Heresy? Question 251.

Can a Heretic be Validly Absolved at the Point of Death? Book 6, paragraph 560.

Can Bishops Absolve from Hidden Heresy? Book 7, paragraphs 82 and 83.

What if a Heretic is Unable to Go to Rome? Question 84.

Is He Obligated to Go by Letter? Paragraph 89.

Can a Bishop Absolve Him Through Another? Paragraph 90.

Can a Dispensation be Granted for Irregularity Due to Heresy? Paragraph 76.

Should a Spouse Separate from the Other Due to Heresy? Paragraph 6, Question 974.

Is it Lawful to Contract Marriage with a Heretic? Book 6, paragraph 56, and Question 4044.

Concerning Marriages in Parts of Heretical Territories: Paragraph 4405.

Auction: The price in a sale by auction varies. Book 4, paragraph 808. See "Note."

I. Heir and Inheritance: Is the heir obligated to fulfill the promises of the deceased? Book 4, Question 214.

Does the Heir of a Possessor in Bad Faith Acquire Prescriptive Rights? Paragraphs 512 and 516.

To Which Heirs Should Restitution be Made After Murder? Book 4, paragraph 631, see paragraph 44.

Is the Heir of a Person Condemned for the Crime of Murder Obligated to Pay Damages? Paragraph 705.

Can the Heir Accept a Donation Made by a Deceased Donor? Paragraph 731.

The Heir to Whom the Will of the Testator is Known, etc.: Book 4, paragraph 731.

Translated by churchlatin.ai, a product of Boyne Archives

Does a Legacy Left to a Daughter for Marriage Pass to Her Heirs? Paragraph 930.

Doubts, 8: Who Can Be Appointed as Heirs? Paragraph 943.

Concerning the Renunciation of Inheritance: Paragraphs 932 to 934.

Is a Hermaphrodite Irregular? Book 7, paragraph 412.

Accidental Homicide in Relation to Sin: Book 4, paragraph 398.

In Relation to Irregularity: Ibid., see "In Relation." See also "Killing."

By What Homicide is the Church Polluted? Book 6, paragraph 364, see "By Act."

When Does the Crime of Homicide Annul a Marriage? Book 6, paragraphs 4031 to 4037.

Ir- (The passage is incomplete).

[*Latin ed. p. 498*]

Irregularity due to voluntary homicide. Book 7, No. 366. Those who command or advise homicide. Nos. 370-373. Those who cooperate. Nos. 374-376. Due to accidental homicide. No. 377. Do bishops dispense from irregularity due to voluntary homicide? No. 391. What if it is entirely concealed? No. 392. Due to accidental homicide? Nos. 393-395. Do religious [orders] dispense? No. 396. Of honest [persons]. Regarding the impediment to public reputation. Book 6, Nos. 4061-4064. How is honor to be restored? Book 4, No. 984. What if it was taken away secretly? No. 985. Satisfaction to be given for the loss of honor. No. 986. Is a petition for forgiveness always sufficient? No. 987. Should the confessor always warn about this satisfaction? No. 988. Can one kill the one who has injured honor? Book 4, Nos. 381 and 388. Can one kill a blood relative, if the woman consents? Book 4, No. 391. Of the hour of refreshment during fasting. Book 4, No. 4016. What if one anticipates the hour? Ibid. V. Regarding the hour of Matins. Book 5, No. 174. Of the hour of celebration. Is it permissible to celebrate before dawn or after midday? Book 6, Nos. 340-345. What is the matter in this? No. 346. Of the hour of Communion. No. 253. Of the canonical hours. Who are bound to the canonical hours? Book 5, No. 440. Are religious and nuns? No. 441. Are refugees and exiles? No. 442. V. Doubt 1 and Doubt 2. Is there an obligation to recite in the choir? No. 443. Of the obligation of beneficed [priests]. No. 444. How many sins does a beneficed priest commit by omitting the hours? Book 5, No. 445. What if he wishes to restore the fruits? Ibid. Question II. Of the grave matter in the omission of the hours. Nos. 446 and 447. Is the omission of the hours one sin or many? No. 448. Throwing the breviary into the sea. No. 449. Doubting whether anything has been omitted? No. 450. Of the hours to be recited I. According to the prescribed Roman Breviary. Book 5, No. 460. II. The necessary vocal pronunciation. No. 462. III. Complete pronunciation. No. 464. IV. Continuous pronunciation. No. 466. V. Order. No. 469. VI. Time. No. 472. VII. Attention. No. 475. Of the restitution for the

Translated by churchlatin.ai, a product of Boyne Archives

omission of the hours. Book 4, Nos. 663-675. Of the privileges of religious concerning the canonical hours. Book 5, No. 64. What if the obligation of the hours is probably fulfilled? Book 4, No. 29 and Book 4, No. 700. V. Limitations and Book 5, No. 450. Does reciting the hours satisfy for Mass? Book 4, No. 309. See Office. Are clockmakers excused from fasting? Book 4, No. 1044. The clock, is it permissible to follow it until Communion? Book 6, No. 282. Is the hour ended at the first stroke? Ibid. Of the hospital. Are the offspring of those who commit adultery obligated to reimburse the expenses of the hospitals? Book 4, No. 656. Is it permissible to use a broken or stained host? Book 6, No. 204. Of the figures of the host. No. 205. Is it permissible to use a smaller host? Ibid. What if the consecrated host falls? No. 250. What about the fragments of hosts? No. 251.

[*Latin ed. p. 499*]

Hypotheca, and Hypothecarius. What is a hypotheca? Book 4, Title 913. Are creditors with a hypotheca to be satisfied first? Title 690.

Iet J J ACTANTIA concerning a sin committed, how many sins does it contain? Book 2, Number 26.

Idioma. Is one excused from the integrity of confession due to a dialect? Book 6, Number 479. See Surius. Is one bound to interpret? Ibid.

Idolatry, what is it, and how many kinds are there? Book 4, Numbers 12 and 18. To commit adultery multiple times in the Scriptures signifies committing idolatry. Book 4, Number 109. See Question.

Jejunium, and Jejunus. Concerning the obligation of fasting, and of taking only one meal. Book 4, Number 1004. Concerning abstinence from meat, and from eggs and dairy products. Numbers 1003 to 1009. Is it permissible to eat lard on the Sabbath? Number 1010. Which animals' meat is forbidden during fasts? Number 1011. Is it permissible for children to eat meat during fasting? Number 1012. Can one be dispensed to eat meat and fish? Numbers 1013 and 1014. Established by the Bull of Benedict XIV.

Concerning the hour of refreshment. Number 1016. Concerning the division of the meal. Numbers 1017 to 1020. Concerning the drinking of milk. Number 1021. Concerning the drinking of wine, beer, and lemonade. Number 1022. Concerning the drinking of chocolate. Number 1023. Concerning the evening collation. Numbers 1021 to 1029.

What is a small amount in fasting? Book 4, Number 1030. To eat twice culpably during fasting. Ibid. What if one eats innocently? Ibid.

Question II. Is one bound to fast if one doubts whether one has completed the 21st year? Book 1, Number 32. What if one is in doubt as to whether one has begun or finished the hour of fasting? Ibid. Can one who is in doubt about fasting receive Holy Communion? Book 6, Number 282. Concerning the natural fast required for Holy Communion, and when it is broken. Book 6, Numbers 277 to 282. In which cases can one who is not

Translated by churchlatin.ai, a product of Boyne Archives

fasting receive Holy Communion, or celebrate Mass? Numbers 284 to 288. Can a priest celebrate Mass while not fasting in order to give Viaticum? Number 286. The fast is not broken if one swallows a crumb before receiving the particle. Number 288. See They Say.

Ignorantia, Ignorans, and Ignorare. Is invincible ignorance concerning natural precepts permitted? Book 4, Number 169. Does ignorance excuse from the penalty attached to a law? Number 174. Are the ignorant bound by laws? Number 153. To advise someone to sin out of ignorance. Book 4, Number 564. Does the ignorance of a priest deprive him of the jurisdiction to absolve another from reserved matters? Book 6, Number 568. Do the ignorant incur the penalty of the Pope's reservation? Number 580. What if they are Bishops? Number 581. What if excommunication is attached? Ibid. Two.

What if someone does not notice? Number 640.

Objection III. Is one bound by a vow of chastity in ordination if one is ignorant of it? Number 809. Does ignorance excuse a spouse from the impediment of seeking an annulment? Numbers 4072 to 4074. Does ignorance of the law excuse from censure? Book 7, Numbers 43 and 44. Does ignorance excuse, even if it is mortal? Number 45. Does it excuse? Number 47. Is it affected?

[*Latin ed. p. 500*]

48. Does ignorance of the law excuse one from irregularity? l. 7, n. 350. Is ignorance a penalty? n. 351. If a cleric is unaware that he is excommunicated, is a benefit validly conferred upon him? n. 482. Does crass ignorance excuse a cleric who strikes another? n. 275. See also. Striking one for another, ibid., Dub. 3. Should one who culpably ignores a warning be warned, if the warning would not be beneficial? l. 6, n. 609, to 648, and in Pract. Confess., n. 8. Illegitimate. See Spurius. An illegitimate person is irregular. l. 7, n. 420. How is one legitimized through marriage? n. 421 to 426. Is it sufficient that marriage could have taken place at the time of birth? n. 422. How is one legitimized through religious profession? n. 426. How through a dispensation from the Pope? n. 427. Are exposed children considered illegitimate and irregular? n. 432. Can a secular prince legitimize someone, etc.? n. 433. Does a bishop dispense with the irregularity of someone for minor orders and a simple benefice? n. 428. Does this apply to a canonry? n. 429. Can this be done with someone who is secretly irregular? n. 430. Can this at least be done for administering the sacraments? n. 431. When are the uneducated irregular? l. 7, n. 404. Obscene image. See Pictura. Should images in the altar be blessed? l. 6, n. 393, end. One who gives a gift while forgetting a debt. l. 4, n. 700, see. Question II. One who forgets a vow, penance, oath, and other ecclesiastical precepts, if he fulfills them. l. 4, n. 163, and d. l. 4, n. 700, see. Limitant. Preventing the fulfillment of a vow. l. 4, n. 218. It is not permissible to impose an impediment to the

Translated by churchlatin.ai, a product of Boyne Archives

fulfillment of the law. l. 4, n. 152, and l. 4, n. 1045. Preventing someone from obtaining a benefit without fraud. l. 4, n. 582. Preventing a penalty from being applied to the treasury. l. 4, n. 583, and l. 5, n. 237. Preventing another from obtaining a benefit without fraud, but out of hatred. n. 584. Preventing a benefit from being conferred on someone worthy. n. 585. Preventing someone from obtaining a benefit through force or fraud. n. 587. Preventing through prayers. Ibid. See. They hold. An impediment that removes an impediment, when does it take effect regarding betrothal? l. 6, n. 857, and 858. If betrothal is contracted with an impediment, under the condition of a dispensation, and that dispensation is obtained, is it valid in itself? n. 859. Is it permissible to contract a marriage with a doubt about an impediment? n. 904. Is it permissible with a probable opinion of the non-existence of an impediment? n. 902. What if the probability is of a fact? Ibid., Question III. What if a doubt arises after marriage has already been contracted? n. 903. Is it permissible to seek a dispensation if the marriage was entered into in good faith? n. 904. What if there is only a probability of an impediment? n. 905. What if the marriage was entered into with doubtful faith? n. 906. In a positive doubt, what should be judged? n. 907. If the impediment is heard by someone unworthy of faith? n. 908. See. Second. If by one worthy of faith. Ibid. See. Third. Impediments that remove impediments are well established by the Church. n. 979. Do these obligate non-believers? n. 981. Can these be established by bishops? n. 980. Concerning impediments that cause impediments. n. 982 to 4007. Concerning impediments that remove impediments. 4008 to 4466. Concerning obligation.

[*Latin ed. p. 501*]

Obstacles to marriage. No. 994 to 999. Are the parties obliged to confess the impediment? No. 1600. What the parish priest must do when an impediment is known. No. 1001. What if he alone knows it? No. 1002. What if only the Bishop knows it? Ibid. Question 2. Penalty for those who contract marriage with an impediment of consanguinity or affinity. No. 1077. If the impediment is hidden, how is the marriage to be validated? No. 1109. Is the assistance of the parish priest and witnesses then required? No. 1410. When is an impediment considered hidden? No. 1411. What if the parish priest and witnesses were aware of the impediment at the time of the marriage? No. 1412. Must both parties know of the nullity when validating the marriage? No. 1415. What if there is fear of scandal? No. 1416. How can consent be demanded from someone who is unaware of the impediment? No. 1417. And in the Practice of Confessors, No. 85. Who can grant dispensations in cases of impediments? No. 1418. If someone has impediments of different kinds, etc. No. 4138. Can dispensations be granted in such cases? No. 1439. If someone discovers after a dispensation that the bride is a relative, etc. No. 1440. What if an incestuous union takes place after a dispensation, before the marriage? Book 4, No. 452. Bishops grant dispensations in all

Translated by churchlatin.ai, a product of Boyne Archives

impediments that prevent marriage, or that arise after marriage. Book 6, No. 4426. Does this apply sometimes to impediments that are absolute? Book 6, No. 4122 and following. See also under the word "Dispensation." Regarding the impediment of not seeking a dispensation. No. 4070. Who can grant a dispensation in this case? No. 4076. The practice of the confessor regarding dispensations in marriage impediments, see Practice of Confessors, No. 84 and 85. Regarding not seeking a dispensation. No. 86. Is a person who is impeded allowed, in urgent necessity, to confess reserved matters to a lower authority? Book 6, No. 585. Must he then confess even the reserved matters? Ibid. See 2. A person who is impeded can be absolved by the Bishop. Book 7, No. 84. Who are considered to be impeded? No. 85 and 86. Are they obliged to present themselves to the Pope afterwards, if they have satisfied the requirements? No. 97. Who are considered to be perpetually impeded? No. 88. Are these people obliged to communicate by letter? No. 89. Can the Bishop absolve a person who is impeded from going to him, through another? No. 90. What about those who are impeded from going to the Bishop? No. 91. Are these people obliged to go afterwards, when they are no longer impeded? No. 92. Do those who are not impeded from performing the duties of a cleric incur excommunication? Book 7, No. 268. Do those who are not impeded from committing homicide become irregular? No. 376. Are doubtful imperfections regarding venial sins ever a matter for confession? Book 6, No. 432, See IV. The Impenitent. Should the Sacrament of Extreme Unction be given to the impenitent? Book 6, No. 732. Is the second imposition of hands required in Confirmation? Book 6, No. 164. Is the imposition of hands the sole matter of Holy Orders? No. 749, See Third. Impotence, and the Impotent. Impotence in observing the precepts. Book 1, No. 476. One who receives from a thief who is impotent, to restore something mixed with...

[*Latin ed. p. 502*]

Of vows. Book 4, n. 612. What if he receives gifts from it? n. 722. Is one bound to make restitution in one kind, when unable to do so in another? n. 627. Impotence excuses from fasting. Book 4, n. 1033. Is an impotent person bound to fast in the evening, and to take only a small morsel in the morning? n. 1034. A priest, declaring himself impotent to recite, casts aside the Breviary. Book 5, n. 449. An impotent person reciting the Office due to infirmity. n. 454. An impotent person, unable to recite the whole Office, is bound to recite a portion. n. 458. Is an impotent person bound to recite alone, or with a companion? Ibid. See also. A spouse declaring himself impotent to perform the marital act. Book 6, n. 942. Of impotence in the marital act that dissolves the marriage. n. 1095, ad 4404. Imprecations against wicked men. Book 2, n. 83. To imprecate a demon against another. Book 4, n. 131. Imprecations, see Practice of Confession, n. 36. Those who print heretical books incur excommunication by the Bull of Celio. Book

Translated by churchlatin.ai, a product of Boyne Archives

7, n. 281. Those who print books without license incur excommunication by the Council of Trent. n. 209, ad 10, and 212. Disproportion of the body causing impotence. Book 6, n. 4095. See Woman. Is a minor bound by laws? Book 4, n. 455. See also. Is he subject to ordinary penalties? Ibid. Can the vows of minors be annulled by the father, grandfather, and guardian? Book 4, n. 229. Can they be annulled by the mother? n. 230. Are the vows of adults valid? n. 213. Is he bound to receive Holy Communion immediately after the use of reason? Book 6, n. 301. See also. At what age is he bound? Ibid. See also. But here. Regarding confession? n. 666. Can he be absolved in doubt about the use of reason? n. 432, IV. If ordained, is he bound to chastity? n. 810. Does marriage between minors have the force of betrothal? n. 841. How is betrothal dissolved between minors? n. 856. What if they have sworn vows? Ibid. What if the parents contract the marriage without the consent of the minors? n. 838. What if it is done for those who are absent? n. 839. Concerning marriage of minors? n. 4065, and 1066. Can a minor speak with nuns? Book 7, n. 240. A minor striking a cleric. n. 265. See also. See Inadvertence. Incest, and Incestuous person. What is incest, and does it differ in species? Book 4, n. 448, and Book 6, n. 469, and 479. Concerning incest between spiritual relatives? Book 4, n. 450. Is it incest to have relations with a spiritual daughter? n. 451. Do those who have relations after a dispensation commit incest? n. 452. Does a mere touch constitute incest? n. 453, and 469. Is sodomy between spouses incest? n. 469. Do incest of consanguinity and affinity differ in species? Book 6, n. 469. Are the degrees of incest to be explained in confession? n. 470. If an incestuous spouse requests [something]. n. 945, and 949. Concerning impediments to marriage due to incest, and those who can grant a dispensation. n. 1076. Incision. Concerning a woman who has been circumcised, etc. See Woman. It is forbidden for monks, and clerics in Holy Orders, to be treated with incision. Book 7, n. 384, to V. Concerning those who are afflicted. n. 385.

[*Latin ed. p. 503*]

Ingela, Vida Demioilium. The Roman inhabitants in the Jubilee year. Book 6, chapter 586, paragraphs 19-21. Concerning which books are prohibited in the Index. Book 7, chapter 288. Whether one lacking a finger can administer the Eucharist. Book 6, chapter 244. Whether to celebrate [Mass] and whether it is irregular. Book 7, chapter 408. Signs required for making inquiry. Book 5, chapters 499 and 500. Signs required for questioning. Chapter 266. Whether inept witnesses give testimony. Chapter 262. Indignus, see Dignus. Whether the Sacraments are to be administered to the unworthy. Book 6, chapter 43. The indissolubility of marriage. Book 6, chapter 986. What if the unfaithful does not wish to convert? Chapter 857. A ratified marriage is dissolved by a religious profession. Chapter 958. Whether by a dispensation from the Pope. Chapter 959. Incitement to evil, whether it must always be confessed. Book 3,

Translated by churchlatin.ai, a product of Boyne Archives

chapters 46 and following. Inciting another to lust, when bound by a vow of chastity. Book 4, chapter 457. Indulgence. Whether confession is necessary for obtaining it. Book 6, chapter 519. What is an indulgence, and what is required for it? Chapters 534-534. How many kinds of indulgences are there? Chapters 535 and following. Infamy, whether one can compensate for the infamy by paying money to the infamer. Book 4, chapter 1091. Whether it is permissible for the infamer to thus compensate. Chapter 1000. See also chapter 887. Infamy, and the infamous. The infamous cannot be ordained. Book 6, chapter 784, and Book 6, chapters 362 and 363, also chapter 454. How the irregularity of infamy is removed. Book 7, chapter 366. The infamy of the unfaithful, whether they can be anointed. Book 6, chapter 126. Whether they can be confirmed. Chapter 478. Whether they can be ordained. Chapter 782. See Puer. The unfaithful, and the unfaithful. What is infidelity, and how many kinds are there? Book 3, chapter 47. The unfaithful are not bound by the laws of the Church. Book 4, chapter 453. Whether it is permissible to light fires for unfaithful servants on feast days. Book 4, chapter 271. The children of the unfaithful, whether they can be baptized. Book 6, chapter 126. If the unfaithful does not wish to convert, whether the faithful can enter into a second marriage. Chapter 957. Whether the marriages of the unfaithful are dissoluble. Chapter 897, see Pref. 4, and chapter 857. Whether impediments that dissolve a marriage bind the unfaithful. Chapter 981. Infirmity, and the infirm. When are the infirm excused from hearing Mass? Book 4, chapter 825. How to assist the infirm. Chapter 326. Infirmity excusing from fasting. Book 4, chapter 4038. When are those serving the infirm excused from fasting? Chapter 1049. Are religious bound by the precept to assist the infirm who are suffering from contagious diseases? Book 6, chapter 40, see also. Whether, however. Infirmity excusing canons from residence. Book 5, chapter 430. Infirmity excusing from reciting the Divine Office. Chapter 454. Whether great suffering excuses. Ibid., Note I. Whether convalescence excuses. Note II. What to do in doubt whether an infirmity excuses. Note III. What to do in doubt whether one can recite part [of the Divine Office]. Note IV. Whether a tertian fever, or quartan fever, excuses. Chapter 455. With which infirm the Jubilee can be celebrated.

[*Latin ed. p. 504*]

Let actions be changed. Book 6, paragraph 538. Concerning the administration of Extreme Unction to the sick. Paragraphs 712 to 714, also paragraph 732. Should it be administered to children? Paragraphs 717 to 720. Should it be administered to adults immediately after Baptism? Paragraph 721. Can it be repeated in the same infirmity? Paragraph 715. Does a gravely ill person sin by neglecting this Sacrament? Paragraph 733. Does urging a sick person to receive it constitute an irregularity, if that person dies as a result? Book 7, paragraph 382, line 4. Entering and being admitted.

Translated by churchlatin.ai, a product of Boyne Archives

Do parents sin by forcing their daughters to enter a monastery? Book 7, paragraph 212. When do they incur excommunication? Ibid. What if the reason is for education? Ibid, Question 1. What if they entice with honeyed words? Question 2. What if they force men? Question 3. What if they prevent a girl from entering? Ibid, also see. Concerning excommunication for those entering monasteries of nuns. Book 7, paragraphs 221 to 228. Concerning the entry of doctors and other officials. Paragraph 226. Concerning confessors. Paragraph 227. Are those entering required to leave immediately? Paragraph 228. Concerning women entering monasteries of religious orders. Paragraph 230. Who are excepted? Paragraph 231. Incapacity. Do penalties of incapacity incur before a sentence? Book 4, paragraph 449, see. Concerning penalties. Incapacity to celebrate due to anxiety. Book 6, paragraph 705. Can the Bishop dispense in such cases? Ibid. Incapacity of an excommunicated cleric regarding benefices, offices, etc. Book 7, paragraph 481. And also regarding the receipt of fruits? Paragraph 480, at the end, and paragraph 483. Incapacity of an incestuous person to make a will. Book 6, paragraph 4070. Incapacity of a priest who abuses the Mass for divination. Book 6, paragraph 705. Dishonor, see Honor. When should an enemy be loved? Book 3, paragraph 28. What signs should be shown to him? Ibid. Should he be greeted? Ibid, see. Concerning. How many sins does one commit by wishing different evils upon an enemy? Book 2, paragraph 50, Question 5. Forgiveness of injury to an enemy. Book 3, paragraph 29. Should public vengeance also be forgiven along with the injury? Ibid. What constitutes a material and what a formal injury? Book 4, paragraph 556. Can a pact be made in a contract to cease from an injury? Book 4, paragraph 777. Can an injury be forgiven? Paragraph 778. See also Contumely. Innocent. Are we obligated to defend the life, honor, chastity, and goods of an innocent person? Book 4, paragraphs 389 and following. Is it ever permissible to directly kill an innocent person? Paragraph 393. Is it permissible indirectly through abortion? Paragraph 394. Can a judge condemn a guilty person who is legally innocent? Book 5, paragraph 207. What if he knows an innocent person, but that person is proven to be guilty? Paragraph 208. Does one become irregular by killing an aggressor who is innocent? Book 7, paragraph 388. Disobedience, see Obedience. Negligent: Concerning a negligent donation. Book 4, paragraph 740. Concerning a negligent will. Paragraph 957. Inquiry and to inquire. What should a judge observe regarding an inquiry? Book 5, paragraph 497. A pastor is obligated to inquire into the morals of his parishioners. Book 4, paragraph 360, see. Question 2. Instrument. Is the delivery of instruments a material essential?

[*Latin ed. p. 505*]

Sacrament of Orders: Book 6, paragraph 750. From what time did it begin? Paragraph 749, note 3. Integrity of the material Confession. Book 6, paragraph 465. Formal integrity. Paragraph 479. See Confession. Intention,

Translated by churchlatin.ai, a product of Boyne Archives

and to intend. Is intention required in precepts to satisfy? Book 4, paragraph 463, and Book 5, paragraph 476. What if one implies, without intending to satisfy, the precept? Book 4, paragraph 464, and Book 5, paragraph 476. Is intention required to perform the act commanded by the precept? Book 4, paragraph 465. What if a murderer intends the damage to those who would have received benefit from the deceased? Book 4, paragraph 633. What if he intends to have the homicide imputed to another? Paragraph 636. Intention required for Canonical Hours. Book 5, paragraph 476. What if the one reciting has the intention of not fulfilling them? Ibid. What is the nature of intention? Book 6, paragraph 45. Is habitual or interpretative intention sufficient in administering the sacraments? Paragraph 46. Is actual intention always required? Paragraph 47. Virtual intention suffices. Paragraph 48. Does co-essential intention suffice? Paragraph 49. Is internal intention required? Paragraph 20, and paragraph 83, note 2. Does intending the external rite suffice? Paragraph 20, and more fully, paragraph 23. Does intending to do what the Church does suffice? Paragraph 21. Is an explicit intention to make a promise required? Paragraph 22. What if the minister intends to do what the Church does, but not to confer the sacrament? Ibid, and following, and paragraph 25, note 4. What if he positively intends not to confer the sacrament? Paragraph 22. Or to perform a non-sacramental rite? Ibid, note 3. What if he has conflicting intentions? Paragraph 24. What intention should the minister of a sacrament have? Paragraph 43. What intention should the recipient have? Paragraph 78, and paragraph 84. A neutral intention is not sufficient. Ibid. A habitual intention suffices. Ibid, note 3. Certain. What about children and the mentally impaired? Paragraph 80. The mentally impaired and intoxicated who previously had an intention. Paragraph 81, note 3. Whether interpretative intention suffices. Paragraph 82. Intention of marriage required in the consent of the spouses; to introduce an impediment. Book 6, paragraph 1034. An incestuous union is explained as being pre-existing from the intention of obtaining a dispensation. Paragraph 4134. What if it is not from such an intention? Paragraph 4135. A simoniacal intercessor. Book 4, paragraph 64. What if he is a mediator? Paragraph 65. What is an interdict, and of what kind? Book 7, paragraph 328. What effects does it have? Paragraph 333. Who can impose it, and who can remove it? Paragraph 337. Is knowledge of the law required, etc.? Paragraph 44. If citizens or a city are interdicted. Paragraph 330, and paragraph 332. Are regular clergy exempted? Paragraph 330. From the personal interdict from whom are they exempted? Paragraph 331. Does the interdict on the clergy include regulars, clerics, and beneficed persons? Ibid, and following. To question, and interrogations. When and how should confessors question penitents? Book 6, paragraph 607. And in Practice of Confession, paragraph 20. How about children? In the aforementioned Practice, paragraph 90. When and how should persons of different status and office, namely priests, be questioned? Paragraph 49. Confessors. Paragraph

Translated by churchlatin.ai, a product of Boyne Archives

51. Parish priests. Paragraph 52. Bishops. Paragraph 53. Nuns. Paragraph 54. Judges. Paragraph 55. Physicians. Paragraph 57. (Regarding urging the confession of the sick). Pharmacopolium. Paragraph 58. No.

[*Latin ed. p. 506*]

Merchants. n. 59. Saracens. n. 60. Courtesans, or harlots. n. 61. Barbers, and those who adorn women's heads. n. 62. Prudence, and the obligation of the confessor concerning interrogations. l. 6. n. 629. What if the confessor knows of a sin that the penitent denies? l. 6. n. 630. and 634. Is it permissible to inquire about an accomplice? n. 631. Interpreter. Is one ignorant of the language bound to confess through an interpreter? l. 6. n. 479, ad III. Is the interpreter bound to take an oath? n. 647, ad III. Interpretation of the law. l. 4. n. 200. Do authentic interpretations require promulgation? l. 4. n. 107. and l. 4. n. 4027. See: Hence we say. Interpretive dispensation. l. 4. n. 495. Interpretive intention, see Intention. What is the interpretive will? l. 6. n. 640. See: Objection. IV. What is interpretative bigamy, and how many degrees? l. 7. n. 437 to 447. Interruption, and to interrupt. Can Matins be separated from Lauds? l. 5. n. 467. Can one Nocturn be separated from another? Ibid. Should the Gloria be repeated if there is a significant interruption? n. 468. Just causes for interrupting the Office. Ibid. See: Causes. For how long during fasting is the meal not interrupted? l. 4. n. 4020. How are the internal acts of sins interrupted? l. 2. n. 37. How are internal acts? n. 41. Should the priest interrupt the Mass if, while celebrating, he remembers a mortal sin? l. 6. n. 262. See: Here. Is it ever permissible to interrupt the Mass? n. 352. Can a spouse ever interrupt the act of copulation? n. 954. See: 4. Lawfully. Intervals required for Ordinations. l. 6. n. 795. Can the Bishop dispense in these intervals? Ibid. Can the Bishop dispense for a benefice? Ibid. and seq. and n. 775. He who receives two sacred orders on the same day is suspended and irregular. n. 796. Can one be received on Saturday, the other on Sunday, with a continuous fast? Ibid. Is this suspension of public knowledge? Ibid. See: But. Does one incur suspension for not observing the intervals? Ibid. See: Doubt 2. What if someone receives lesser orders and the subdiaconate on the same day? n. 797. Does custom excuse this? Ibid. Doubt 1. Does one then incur suspension? Doubt 2. Can religious be ordained outside of the proper times? Doubt 3. And on any double feast day? Doubt 4. Having the faculty of receiving sacred orders on three festive days, etc. n. 797. See: Note. Invader, see Homicide. To whom are found goods to be restored? l. 4. n. 603. Inversion in the Office. l. 5. n. 469. What if it occurs in the choir? n. 474. Inversion in hearing Mass. l. 4. n. 341. See: Is inquired. Envy, and its fruits. l. 2. n. 72. Is it permissible to recount the natural defects of another in order to exclude him from friendship, etc.? Ibid. See: Whether. Invited in a dispensation. l. 4. n. 486. See: 40. Anger,

Translated by churchlatin.ai, a product of Boyne Archives

and its fruits. l. 2. n. 79.

[*Latin ed. p. 507*]

A deacon who solemnly baptizes without proper commission is irregular. *l. 6. n. 446*. Likewise, any cleric is irregular in such a case. *ibid.* Question 2: Does this apply to a layman? Question 3: The same is said of a cleric who administers the Eucharist without a commission. *n. 234*. An irregular person cannot receive Holy Orders. *l. 7. n. 342*. Nor can they exercise them. *ibid. ad II*. Nor can they receive ecclesiastical benefices. *ib. ad III*, and *n. 343*. Is irregularity incurred if it is doubtful whether an aborted fetus was animated? *l. 4. num. 396*. Does an adulterer incur irregularity by killing in self-defense? *n. 398*. See also: In what cases is a person irregular? *n. 628*. Do canonically irregular persons lose distributions and benefices? *l. 5. num. 430*. See: Is this a censure? *l. 7. n. 5*, and *n. 354*. What is it, and how severe is it? *n. 344*. Effects. *n. 342* and *343*. How is it incurred, and how is it removed? *n. 344* to *355*. What is the rule in cases of doubt? *n. 344* to *346*. In cases of doubt of fact. *n. 347*. In cases of doubt of homicide. *ibid.* Question 3. Or, in cases of doubt concerning the animation of the fetus. Question 4: Is a grave, external, and consummated fault required to incur irregularity? *n. 348*. Is knowledge of the law required? *n. 350*. Are there penalties? *n. 354*. Irregularities arising from sin are: I. Due to repeated Baptism. *n. 356*. II. Due to violation of a censure. *n. 357* and *358*. (Does one incur irregularity if, being unaware of the censure, one is ordained? See *l. 6. n. 799. Question 3. See also.*) III. Due to the exercise of a sacred order not received. *n. 359*. IV. Due to a bad reception of Holy Orders. *num. 360* and *361*. V. Due to infamous crimes. *n. 362* and following. VI. Due to homicide or mutilation. *n. 365*. Who can dispense in these cases? *n. 390*. Irregularities arising from defects are: I. Due to a defect of the soul. *n. 397* to *402*. II. Due to a defect of the body. *n. 403* to *449*. III. Due to defects at birth. *n. 420* to *433*. IV. Due to lack of age. *num. 434*. V. Due to a defect in the Sacrament, or due to bigamy. *n. 435* to *453*. VI. Due to infamy. *n. 434*. VII. Due to lack of freedom. *n. 455* and *456*. Hence, slaves, married persons, and those under guardianship are irregular. *ib.* VIII. Due to lack of gentleness. *num. 457* to *469*. The powers of the Holy Penitentiary in dispensing irregularities, etc. *n. 470*. Irregularity due to repeated Baptism. *l. 6. n. 422*. During the Jubilee, dispensation can be granted in cases of irregularity concerning the administration of the sacraments. *n. 537*. Question 8. Question 2: Can the Bishop dispense in cases of irregularity due to heresy? *l. 7. n. 76*. Does one incur irregularity by killing in self-defense, or to protect an innocent person? *n. 388*. Concerning goods, etc.? *n. 389*. Irritation of an oath. *l. 4. n. 489*. Irritation of vows. *n. 227* and following. Iter, and Itinerarium: Is it permissible to travel on a feast day? *l. 4. n. 275*. When are traveling priests excused from Mass? *n. 328*. See:

Translated by churchlatin.ai, a product of Boyne Archives

Excused. When are they excused from fasting? *n. 1047*. What kind of travel excuses them? *ib.* See also: Question 4. What about traveling priests on carts or horseback? *ib.* Question 2. Jubilee: See what pertains to the Jubilee in *l. 6. num. 537* and *538*. Established by Pope Benedict XIV for the Holy Year. *n. 536*. Can the penance assigned during the Jubilee be omitted? *n. 519*. Can the reservation be removed through an invalid confession during the Jubilee? *n. 537*. Question II: What if someone...

[*Latin ed. p. 508*]

Regarding reservations? What? IV. What if one intends to gain an indulgence but does not actually gain it? Q. V. Cases and censures absolved in the indulgence. Q. VIII. Confession required. n. 536 ad XX. Judaism, and a Jew. Communion with Jews. l. 3. n. 48. Jews. On the power and office of a judge. l. 5. n. 495 et 490. Inquiry concerning Jews. l. 5. num. 497. The judge concerning torture. ib. Art. III. The judge concerning sentence and punishment. ib. Art. IV. Can an inferior judge relax or lessen the punishment? l. 5. n. 205. What if he is the supreme judge? ib. v. Days. When a judge may legitimately question. n. 266. When one is not obliged to answer the judge. n. 268. The judge must prefer the more probable opinion. l. 4. num. 47. et l. 5. n. 210. What if the possessor has a probable right? ib. v. Question II. The judge is bound to give the accused time for penance and the Eucharist. l. 4. n. 379. When judges are excused from fasting. l. 4. num. 1049. v. 6. Excommunication. Does the authority of a judge extend to dissolving marriages? l. 6. n. 87s. To divorce? num. 968. If a divorce has been granted by a judge, can the innocent party prevent the adulterer from remarrying? n. 967. The judge if he has private knowledge of an impediment to marriage. num. 999. The judge promising the accused freedom if he takes his daughter. n. 1050 ad 1033. The warning of censure to be given by the judge. l. 7. n. 56 in fin. If he orders a Jew to make restitution under a censure, to which he is not probably subject, n. 68. The judge in a case of death is irregular. num. 468 ad I. Is the confessor irregular if he warns the judge in private to condemn the accused to death? n. 464. Questions to be asked by the confessor to judges, in Prax. Confess. n. 85. Judgment. When is a judgment mortally rash? l. 4. n. 969. How is judgment distinguished from presumption? n. 968. Concerning the judgment required for taking an oath. l. 4. n. 448. Judgments are forbidden in the Church. l. 4. n. 37. What is required for a legal judgment? l. 5. n. 192. The confessor is to endeavor to obtain judgment for sinners. l. 6. n. 500. Those who concur in a judgment leading to the death of the accused are irregular. l. 7. n. 461. In what ways? I. In intention. II. Actively. n. 462. III. Effectively. num. 463. IV. Proximately. n. 464. V. Through an action naturally ordered to that end. n. 460. Beasts of burden. Is it permissible to mention beasts of burden on feast days? l. 4. n. 270. Oath. See Summary. l. 4. n. 143. What are true oaths? num. 434. Is it permissible to say "by my conscience" or "by my soul"? num. 435. Is it

Translated by churchlatin.ai, a product of Boyne Archives

permissible to say "I swear that it is"? n. 436. Is it permissible to say "as true as the sun shines" or "true as the Gospel"? n. 437. But is it permissible to swear by creatures? n. 438. How many parts are there to an oath? ibid. Dub. II. Is it and when is it permissible to swear? Dub. III. Is it permissible to use equivocation in an oath? Dub. IV. What and how much is the obligation of a promissory oath? Dub. V. When is one excused from fulfilling a promissory oath? Dub. VI. Concerning revocation, dispensation, commutation, and remission of an oath. Dub. VII. Appendix concerning augmentation. num. 193.

[*Latin ed. p. 509*]

Can a vowed donation be revoked? Book 4, paragraph 727. Is food obtained through a prohibited game considered illicit if one has vowed, etc.? Paragraph 892. The oath of physicians regarding the obligation to inform the sick. Book 6, paragraph 664, and Book 4, paragraph 182. Also, in *Praxis Confess.*, paragraph 57. Must a censured individual take an oath not to repeat the offense? Book 7, paragraph 429. The power of the Holy Penitentiary regarding oaths, provided it is not in favor of another. Paragraph 470, ad XIII. Probable jurisdiction in Penance and marriage. Book 4, paragraph 50. Jurisdiction arising from a common error, etc. Book 6, number 572. What is it, and who possesses ordinary jurisdiction? Book 6, paragraph 557. Does the Vicar possess jurisdiction if the Bishop objects? Paragraph 558. Who possesses delegated jurisdiction? Ibid. See "Delegated." Does it expire with the death of the delegating authority? Paragraph 559. Can heretics and excommunicated individuals absolve the dying validly? Paragraph 560. Can any priest do so? Paragraph 564. When can a delegate subdelegate jurisdiction? Paragraph 566. Does the unworthiness of a priest grant jurisdiction to another? Paragraph 568. Does ignorance? Ibid. Is presumed jurisdiction valid? Paragraph 570. Are doubtful and probable jurisdictions valid? Number 574. Does a common error confer jurisdiction? Number 572. Is it permissible to absolve with probable jurisdiction? Paragraph 573. Does custom confer jurisdiction? Ibid. See "Jurisdiction." What is the right *in re* and the right *ad rem*? Book 4, paragraph 486. Is it permissible to sell the right of burial? Number 71. Is it permissible to lease the right to beg? Paragraph 861. Is the observance of the Lord's Day a matter of divine law? Book 4, paragraph 265. Can the Pope dispense from the precepts of divine law? Book 4, paragraph 489. (and also Book 6, paragraph 4419). Clergy, etc., studying civil or medical law. Book 5, paragraph 432, near the end. See "Idem." The same law applies where the same reason exists. Book 7, paragraph 84, near the end. Is the use of herbs in a potion permitted in Lent? Book 5, paragraph 4029. See "Probably." The right of patronage, what it is and to what extent. Book 5, paragraph 87. Is it simony to sell the right of patronage? Book 4, paragraph 71. The right of burial. Ibid. See "Note." How many kinds of justice are there? Book 4, paragraph

Translated by churchlatin.ai, a product of Boyne Archives

486. Whose violation obliges to restitution? Paragraph 547. Concerning the justice required for taking an oath. Book 4, paragraph 446. Is a defect of justice in an assertive oath mortal? Ibid. See "This." Concerning those who say: "By God, I will kill you." Ibid. See "Note."

LABOR, and the LABORING. Laborers who are excused on feast days. Book 4, paragraph 289. Is it permissible to labor for great profit? Book 4, paragraph 301. Is it permissible to omit Mass because of it? Number 332. Labor excusing from fasting. See paragraph 1041. Are those excused who take on labor in fraud of fasting? Number 1045. Are laborers excused without a just cause? Number 1046. Are laborers excused for a small profit? Ibid.

[*Latin ed. p. 510*]

Nursing mothers are excused from fasting. Book 4, chapter 1033. Does lactation prevent the fulfillment of a wife's conjugal duties? Book 6, chapter 911. Lactation. Regarding abstinence from dairy products during Lent. Book 4, chapter 1006. Also on Sundays. Chapter 4007. What about fasts outside of Lent? Chapter 1009. Who is excused from this abstinence? Chapter 1098. Laity. Laypeople cannot be buried in a monastery church. Book 5, chapter 62. Are laypeople prohibited from testifying against clergy, and vice versa? Book 5, number 261. A layperson administering Baptism in a life-threatening situation. Book 6, chapter 33. If one marries in a life-threatening situation, does the sin of administering the sacrament weigh less? Ibid. Can the laity ever receive Holy Communion? Chapters 84 and 237. See also. Can one administer it to oneself? Ibid, Question II. If a layperson baptizes solemnly, does it become irregular? Chapter 116. Doubt 3. Is it permissible to give the consecrated Host, or a part of it, to a layperson? Chapter 245, section III. Can a layperson touch sacred vessels and vestments? Number 382. Is it permissible to hear confessions in a time of necessity? Chapter 540. Can absolution from censures be granted? Ibid, in the footnote. Is one obligated to confess immediately after Communion, if, etc.? Chapter 268. A consecrated stone. Book 6, chapter 369. See also "Altar." Regarding stones in a ruined church. Chapter 371, book 6, part 2. Lard. Is it permissible for someone who is allowed to eat dairy products to eat lard? Book 4, chapter 4010. Lard in fermented foods. Book 6, chapter 203. If it passes through Greece. Chapter 203. Can lard be used in fermented foods for giving Holy Communion? Ibid, Doubt 2. Praising, see "Palp." Reading, Reader, and to Read. Reading obscene material when it is a mortal sin. Book 4, number 426. Are readers excused from fasting? Book 4, chapter 4049, section 5. They are excused. Does one fulfill their duty by reading aloud if no one listens? Book 5, chapter 463. What sin is it to read letters belonging to another? Book 2, chapter 70. The Order of Readers. Book 6, chapter 735, see also individual sections. Material. Chapter 745. Duty. Chapter 805. Legate and Legation. Can a legate compensate himself

Translated by churchlatin.ai, a product of Boyne Archives

from a legation in a will? Book 4, chapter 100, see also. I inquire. Are legacies in a will to be paid? Book 4, chapter 921, see also chapters 925. Can a legacy left to a girl, so that she may marry, be given to her if she becomes a religious? Chapter 930. Can a legacy left to citizens be given to foreigners? Ibid, Doubt 2. Can a legacy left to orphans be given to the poor who have useless parents? Ibid, Doubt 3. Can a legacy left to girls, so that they may marry, be given to those married without a dowry? Ibid, Doubt 4. Can a legacy for girls to be married be given to widows, so that they may marry? Ibid, Doubt 5. Can a legacy for girls to be married be given to those who are corrupt? Ibid, Doubt 6. If a legacy is left to a girl, so that she may marry, and she becomes a virgin, is it owed to her if she marries? Ibid, Doubt 7. If a legacy is left to a girl, so that she may marry, does it pass to the heir? Ibid, Doubt 8. Can a legacy left for the construction of a church be applied to other things, etc.? Ibid, Doubt 9. How should a legacy left to the poor be distributed?

[*Latin ed. p. 511*]

Concerning equals. Ibid., Question 40. Can a religious executor of a will apply legacies to a monastery? Book 4, paragraph 937. A legacy left to a girl, stipulating that she marry one person, and she marries another. Book 6, paragraph 853. Question 4. What if the legacy stipulates that she not marry, and she does marry? Ibid., Question 5. Is the legislator bound by his own laws? Book 4, paragraph 454. Legitimate children. Can a father harm his legitimate children through vows? Book 4, paragraph 245. What is due to necessary heirs? Paragraph 947. Legitimization for the sacred orders through marriage. Book 7, paragraphs 421 to 625. Through religious profession. Paragraph 426. Through dispensation from the Pope. Paragraph 427. By a Bishop, etc.? Paragraphs 428 to 434. Are exposed children illegitimate? Paragraph 432. A prince can legitimize for secular purposes. Paragraph 433. Are legumes permitted in the refectory? Book 4, number 1029. See "Probably." Lenity. Who are irregular due to a lack of lenity? Book 7, paragraph 457. Can Bishops dispense in this matter? Paragraph 469. Can religious orders? Ibid. Does leprosy impede the use of marriage? Book 6, paragraph 909. Doubt 1. Can a leper celebrate Mass, and can he receive Holy Communion? Book 6, paragraph 275. Is he irregular? Book 7, paragraph 441. Law. What is law? Book 4, number 90. What is the nature of a precept? Number 401. Who can enact laws? Number 104. See number 106. Concerning the obligation of declarations of the Holy See and civil laws, ibid. See Question 2. Dissertation on the power of the Pope. Book 4, number 110. Concerning the acceptance of law, paragraph 136. Do human precepts obligate under pain of sin? Ibid., Doubt 4. Who are subject to laws? Ibid., Doubt 1. Are foreigners bound by the laws of their domicile? Ibid., Doubt 2. Are foreigners and vagrants bound by the precepts of the places where they reside? Ibid., Doubt 3. Are foreigners bound by the precepts of the

Translated by churchlatin.ai, a product of Boyne Archives

common law, if they are not in a place where those precepts are in force? Ibid., Doubt 4. Must precepts be fulfilled in a state of grace? See Doubt 1. Is the intention of fulfilling required? Ibid., Doubt 2, and Book 4, number 176. Does saying an act with the intention of not fulfilling satisfy? Ibid., Doubt 3. Is the intention of performing the act required by the precept? Ibid., Doubt 4. Can one act satisfy a double precept, or can different acts satisfy the same precept at the same time? Ibid., Doubt 5. Does one who, in a single act, violates several precepts, commit several sins? Ibid., Doubt 6, and Book 2, paragraph 33. What excuses from transgression of a precept? Ignorance? Number 168. Fear? Ibid., Doubt 2, and Book 3, paragraph 51. Impotence? Ibid., Doubt 3. Dispensation? Ibid., Doubt 4. Are ecclesiastical laws abolished by prescription of ten years? Book 4, paragraph 439. See "Limit 2." Where the reason for the law is the same, the same provision applies. Book 7, paragraph 84, footnote. When does a later law derogate from privileges? Book 6, paragraph 556. See "Question." A pernicious law does not obligate. Paragraph 613. Does ignorance of the law excuse from censure? Book 7, paragraphs 43 and 44. From irregularity? Paragraph 350. Concerning contracts of libel, see Book 4, paragraph 868. Concerning a scandalous libel. Book 4, paragraph 995.

[*Latin ed. p. 512*]

Concerning Baptism: What it demonstrates, and how it should be performed. Book 6, paragraph 445, verse. Regarding this matter. Appendix, or Dissertation on the just prohibition of books, see at the end of the work. Those who read the books of heretics, etc., when do they incur excommunication? Book 7, paragraph 281. What if one reads a book of infidels? Paragraph 282. What if it is to refute a heretic? Paragraph 283, at the end. If one reads a book containing the words of heretics. Paragraph 286. If one reads notes. Ibid. It is questioned: What if heresy is incidentally included? Paragraph 287. Which books are forbidden in the index? Numbers 288 and 289. Who can prohibit books? Number 290. Reading out of curiosity with permission. Paragraph 294. Is it permissible to read to someone who is not in danger? Book 4, paragraph 499, verse. Whether at the end. Reading the preface. Book 7, paragraph 292. Hearing someone read. Ibid. Reading a brief or manuscript. Paragraph 293. Is a small amount [of reading] permissible? Paragraph 294. Retaining [the information] for a short time. Paragraph 295. Does ignorance excuse [the offense]? Paragraph 296. If one knows of the prohibition from a reputable person. Ibid. Placing a book with another. Paragraph 298. Burning [the book]. Paragraph 299. Those who print, order, etc., books without permission are excommunicated. Numbers 209 to 10, and 212 to 4. Freedom with respect to marriage. Book 6, number 4047. With respect to irregularity. Book 7, paragraphs 455 and 456. Permission. Does presumed permission excuse a religious? Book 5, paragraph 48. A religious person spending, by permission, on frivolous things.

Translated by churchlatin.ai, a product of Boyne Archives

Paragraphs 29, 31, and Book 4, paragraph 873. Is such permission valid? Book 5, paragraph 30. Can a prelate grant permission to spend money on games of chance? Paragraph 32. Does permission requested and unjustly denied excuse [the action]? Paragraph 33. Receiving from a religious person without permission. Paragraph 34. A religious person vowing without permission. Paragraph 48. Is permission given by a lower prelate valid, if it has been denied by a higher one? Paragraph 50, verse. It is questioned. Concerning the permission of parish priests to be absent. See "Residence." Permission unjustly denied. Book 6, paragraph 576, verse. The same. Permission does not expire with the death of the granter. Paragraph 787, verse 2. Note 2. Permission to ordain can be granted orally. Paragraph 788, Note 12. Presumed permission to assist at a marriage. Paragraph 4088. Permission required to enter the monasteries of nuns. Book 7, paragraphs 222 to 228. Permission to converse with nuns. Paragraphs 232 to 243. If someone commits a reserved act in reliance on permission. Book 6, paragraph 604. Does permission for reserved acts also apply to acts committed after the permission? Ibid, Question IV. The bond that dissolves marriage. Book, paragraph 4060. Wood. Concerning wood taken from the Church. Book 6, paragraph 374, verse 6. Cutting wood in another's forest. Book 4, paragraph 529. The boundaries of the Apostles. Are canons sent to the boundaries excused from residence? Book 5, paragraph 130, verse. Also. Lemons. Is it permissible to drink lemonade during fasting? Book 4, number 4022, verse 2. Question II. Lines of consanguinity, see Book 6, paragraphs 4029 and 4030. A dispute in a benefice: can it be settled by a bishop? Book 4, paragraph 78.

[*Latin ed. p. 513*]

Litanies. The obligation of reciting litanies. Book 5, paragraph 461. Can litanies be recited the day before? Paragraph 171. Question III. Letters. What sin does reading other people's letters entail? Book 2, paragraph 70. Is it permissible to collect and read torn letters? Ibid., paragraph 6. Dismissal letters. See Dismissal. Littus. Hearing Mass on the shore. Book 4, number 319. Opinion: Probable. Location, and Lessor. What is a lease? Book 4, number 317. Is it permissible to lease a gift to a prostitute? Book 3, number 70. Leasing of ecclesiastical goods. Book 5, paragraph 187. Note VII. Is it permissible to lease the right to beg? Book 4, paragraph 861. Place. What kind of place is considered sacred? Book 4, paragraph 460. From what place can the Mass be heard? Paragraph 312. In what place should payment be made in contracts? Paragraph 678. Is it permissible to recite the Divine Office in unclean places? Book 5, paragraph 179. Place of baptism. Book 6, paragraph 144. Place of confirmation, paragraph 174. See Question 2. Place of celebrating Mass. Paragraphs 356 to 359. See Bishop, and Oratory. What if the Church is polluted? Paragraph 361. See Church. Place of ordination. Paragraph 798. Concerning an improper

Translated by churchlatin.ai, a product of Boyne Archives

place for the conjugal act, see Book 4, paragraph 458. Profit. Does a large profit excuse from working on a feast day? Book 4, paragraph 301. Does it excuse from Mass? Paragraph 332. Does it excuse from fasting? Book 4, paragraph 1046, at the end. Is it permissible to borrow money in the hope of profit? Book 4, paragraph 762. Can interest be demanded in a loan? Number 768. And how many conditions are required? Paragraph 769. Is it permissible to agree to profit from the beginning? Paragraph 770. What if you substitute money for something else? Paragraph 771. What if you say: "I would do business, unless those requesting a loan were present?" Paragraph 772. Does one gravely sin by gambling for profit? Paragraph 886. How should profit be divided among partners? Book 4, paragraph 907. See Question II. Grief, how it excuses from Mass. Book 4, paragraph 330. Games, and to play. Concerning a contract for a game, Book 4, number 871. Oath not to gamble. Book 4, number 178. Concerning games forbidden to laymen. Numbers 883 to 894. Concerning games forbidden to clerics. Numbers 895 to 900. Concerning games forbidden to religious. Paragraph 901. Is the game of cards forbidden to them? Ibid. Concerning games forbidden to Bishops. Paragraph 902. Are all of these forbidden to attend games? Paragraph 903. Can a prelate grant permission to exempt someone from a game? Book 5, paragraph 32. Light in the administration of the Eucharist. Book 6, paragraph 241, and paragraph 245. Before the Eucharist in the tabernacle. Paragraph 248. In the celebration of Mass, see Candles. Lunatics, see Epileptics. Luxury, what it is, and its consequences. Book 2, paragraph 74.

[*Latin ed. p. 514*]

Maceration. Whether it is permissible to diminish life through macerations? Book 4, paragraph 371. Magic, what is it? Book 4, paragraph 14. The obligation of masters. Book 4, paragraph 362. Are canonical masters teaching excused from the choir? Book 5, paragraph 432. Are parish priests? Ibid. See also. What effects does major excommunication have? Book 9, paragraph 457. By whom can it be lifted? Paragraph 69. See Excommunication. Curse, and to curse. To curse creatures. Book 4, number 129. To curse the whole world. Ibid. But here. To curse the devil. Ibid. To curse the dead, and the faith. Paragraph 430. A curse upon men. Book 2, paragraph 83. See also Practice of Confessors, paragraph 27, concerning paragraph 31. Malefic, and a sorcerer. What is a malefic, and of how many kinds? Book 4, paragraph 23. What remedies are permissible? Paragraph 24. Is it permissible to ask a sorcerer to remove a malefic with another malefic? Paragraph 25. Sorcerers are excommunicated. Number 27. How should the confessor behave with sorcerers? Paragraph 28. A malefic causing impotence, hindering the marriage bed. Book 6, paragraph 4096. Evil. Is it permissible to suggest a lesser evil in order to avoid a greater one? Book 3, paragraph 57. Is it permissible to rejoice in the evil of another for a good

Translated by churchlatin.ai, a product of Boyne Archives

end? Book 2, paragraph 24. Also concerning desire. Ibid. Wishing different evils upon an enemy. Paragraph 50. See Question 5. To command, and to order. A command concerning restitution. Book 4, paragraph 558. He who commands is bound to restore before others. Paragraph 580. See also paragraph 4. If an action. To command several servants to work for an hour. Book 4, paragraph 306. To command murder through assassins. Paragraph 363. Is censure incurred upon those who command murder? Book 7, paragraph 36. Is censure incurred upon those who command, without the effect being carried out? Paragraphs 37 and 39. In case of doubt whether a command has been given. Paragraph 39. Those who command strike a cleric. Paragraph 266. Manifesting. When is one not required to manifest, and therefore not required to restore? Book 4, paragraph 573. Hands. Imposition of hands, see Imposition. What is meant by the injection of hands? Book 7, paragraph 272 and following. Is one irregular for lacking a hand? Paragraph 408. What if one lacks fingers, or the thumb or index finger? Ibid. Manuscripts belong to religious. Book 5, paragraph 14. See also questions here. A threefold mappa is required for Mass, or one with the other duplicated. Book 6, paragraphs 374 and 375. Should it be blessed? Decretal, paragraph 375. Doubt 2. Should it be made of linen? Doubt 3.

[*Latin ed. p. 515*]

Mary. Conception; see book 7, number 244. Can a husband annul all the vows of his wife? Book 4, number 234. Do the vows of the husband bind the wife? Number 235. What if they vow chastity to each other? Number 236. Is the wife bound to follow the domicile of her husband? Number 353. How does a husband sin against his wife? Number 356. Concerning the theft of husbands. Book 4, number 439. Martyrdom. Is it permissible to offer oneself to martyrdom? Book 4, number 32. Is it a sacrament? Book 6, number 5, section 5. Does it remit sins without contrition, or charity? Number 98. When does it confer grace? Number 99. Are those who die of plague while ministering to the sick martyrs? Number 400. Is it permissible to offer oneself to martyrdom, or to demonstrate one's faith by abstaining from meat? Number 104. Which mother can annul vows? Book 4, number 230. Is it permissible for a mother to take medicine to expel a dead fetus? Number 394. Is it done with the danger of aborting a living fetus? Ibid. Question II. Is an adulterous woman bound to declare that her child is illegitimate? Book 4, number 653. Is an illegitimate child bound to believe his mother's assertion that he is not legitimate? Number 654. A mother wishing for the death of her daughter who is difficult to marry. Book 2, number 22. Should she consent to an incision so that the child may be baptized? Book 6, number 406, section 5. Absolutely. Matter of the Sacraments. Book 6, number 12. Is it permissible to use doubtful matter? Number 29. Concerning the matter of Baptism, see number 102. Confirmation, number 162. Eucharist, number 194. Ordination, number 739. Marriage, number 880. Smallness of matter.

Translated by churchlatin.ai, a product of Boyne Archives

In which cases is the smallness of matter not admitted? Book 2, number 56. The smallness of matter is not admitted in matters of venereal sin. Book 4, number 415. Is it admitted in sensual pleasure? Number 416. It is not admitted in simony. Book 4, number 50. Is it admitted in a promissory oath? Book 4, number 173. Smallness of matter on a festive day when working. Number 305. Smallness of matter in hearing Mass. Number 340. In eating meat. Book 4, number 4029, section 3. In confession. Smallness of matter in fasting, ibid. In the omission of reciting the Divine Office. Book 5, number 446 and 447. When does a light thing become grave due to circumstances? Book 4, number 442. Does one sin gravely by vowing to give a thousand gold coins, and retaining three? Book 2, number 58. What is the small matter in the obligation of giving to the poor the fruits of a benefice? Book 4, number 494. See Question IV. Smallness of matter in theft. Number 526 and following. What if the thefts are minor? Number 530. See. What if someone restores a small amount, completing a grave offense? Number 534. Stealing a small amount of the sacred. Number 532. Can a small theft give rise to a grave obligation? Number 553. A vow in a small matter. Number 244. Marriage with a heretic. Book 3, number 19, section 7. Can anything be received in exchange for a dispensation from marriage? Book 4, number 96. In a doubt about the validity of a marriage, can a debt be requested or paid? Book 4, number 33. (But with a beating. Book 6, number 903.) To what is a rapist bound who falsely promises marriage? Book 4, number 642. See Question I. What if it was not done by him? Number 647. Concerning the essence of marriage. Book 6, number 879. Concerning the matter of marriage. Number 880. Concerning the form and minister. Number 897. For what ends is it permissible to marry? Number 884. Concerning marriage.

[*Latin ed. p. 516*]

Marriage through a procurator. Nos. 885-886, and No. 899. Concerning the consent required, and whether words are necessary? No. 887. Concerning conditional consent. No. 890. In what way does a condition differ from a cause, manner, etc.? No. 895. Matrimonium (marriage), see Debitum (duty). Is it permissible to contract marriage with doubt about an impediment? L. 6, No. 901. Is it permissible to contract marriage with a probability that no impediment exists? No. 902. What if the probability is of fact? Ibid. Question III. A contracting party in mortal sin. No. 32. See Infertur (it is inferred). No. 884. A priest assisting in a case of mortal sin. No. 40, and No. 899. Assisting in the marriage of a public sinner. No. 54. Is it permissible to marry someone who is excommunicated, or a sinner? No. 55. Is it permissible to marry a heretic? No. 56, and No. 1044. Simulation of marriage. No. 62. A contract made before a reluctant parish priest. No. 899. In revalidation, the assistance of a parish priest is not required. Ibid., and No. 1412. Are the words, "I join you," necessary under pain of nullity? D. No. 899, at the end. Are these words of the essence? No. 897. See Probatur

Translated by churchlatin.ai, a product of Boyne Archives

(it is proven). 3. What should a confessor do in contracting a marriage if he knows of an impediment? No. 642. What if everything is prepared? No. 613. Do betrothals completely dissolve through marriage with another? L. 6, No. 875. Is a spouse bound to believe the other who asserts that they falsely consented? No. 908. What if someone hears of an impediment from those not worthy of belief? Ibid. See Seconda (second). What if it is heard from one worthy of belief? Ibid. See Tertia (third). Concerning the marriage of minors. Nos. 1065 and 1066. Of vagrants. No. 4089. Of soldiers. No. 4090. Of pilgrims, prisoners, the sick, and girls detained in institutions. No. 4091. In a valid marriage, can the Pope grant a dispensation? No. 897. See Prob. 4, and No. 959. A valid marriage is dissolved by a religious profession. No. 958. Does a marriage, being none, create an impediment to public honor? No. 4062. Does a clandestine marriage? No. 1064. When and how should a marriage be revalidated if it is null? No. 4109. Concerning a dispensation from an impediment. No. 4418, and see under the word Dispensatio (dispensation). How are children legitimized through a subsequent marriage? L. 7, No. 424. If through a valid marriage? No. 424. If through a clandestine marriage? No. 425. Is it sufficient that the marriage could have been valid at the time of birth? No. 422. Can Matins (morning prayer) be separated from Lauds (morning hymns)? L. 5, No. 467. And should a prayer be said then? Ibid. Can the nocturns (night prayers) be separated in Matins? Ibid. At what hour can Matins be said? No. 474. Can Matins for the dead be recited beforehand? Ibid. See Quær. II (Question II). Is it a mortal sin to recite Matins after Mass? L. 6, No. 347. What if the Mass is conventual, and solemn? No. 348. While Matins is being recited, Mass cannot be said on the larger altar. No. 424, at No. 9. It is forbidden for monks, and for clerics in sacred orders, to be treated with incisions or cauterizations. L. 7, No. 384, at V. Is it permissible for those holding benefices? No. 385. Mediator, see Intercessor (intermediary). To reject medicine in a slight illness. L. 4, Nos. 30 and 32. Is it permissible to...

[*Latin ed. p. 517*]

Must we hold to a remedy as if it were an extraordinary medicine, or one that is excessively harsh? n. 372. Clergy, etc., who are doctors, or students of civil law. l. 5. n. 432, near the end. Ibid. The physician. The obligation of physicians. l. 5. n. 294. A physician is bound to follow the safer opinion. l. 4. n. 44. What if a certain remedy does not appear? n. 46. What if there is no hope for the patient's recovery? n. 46. Concerning the oath of physicians not to visit the sick, etc. l. 4. n. 482, and l. 6. n. 664. A physician foreseeing pollution, etc. l. 4. no. 483. When may a physician be excused from fasting? n. 1049, v. 6. They are excused. He is bound to warn the sick about confession. l. 6. n. 664. Also l. 4. n. 282. Also in Pract. Conf. n. 57. A physician who refuses to treat unless given the daughter as a bride. l. 6. n. 1053. Is permission to be given to a physician to enter a monastery of nuns? l. 7. n.

Translated by churchlatin.ai, a product of Boyne Archives

226. The Mediator. Is it necessary to believe in the mysteries of the Trinity and the Incarnation through the Mediator? l. 3. n. 2. Is prayer necessary through the Mediator? l. 4, at the beginning. Are all the means put forth for sinning to be explained? l. 2. n. 42. Can a lord retain an improvement made to a thing by a thief? l. 4. n. 648. If something given to you for sale has been improved by you. l. 4. n. 825. v. Well. Mutilating a limb makes one irregular. l. 7. n. 378 to 381. What is meant by the term "limb"? n. 379. Do bishops grant dispensations? n. 381. Is it irregular for someone to be lacking a limb, namely, the nose or eye? n. 410? What if it is the ears? Ibid. Is lying in confession ever venial? l. 6. n. 496. When is it mortal? n. 497. Mendicants, and begging. Is it permissible to grant the right to beg? l. 4. n. 861. Are mendicants excused from fasting? l. 4. n. 4033, v. 2. They are excused. Can they absolve seculars from reserved matters by the bishops? l. 6. n. 599, v. Mendicants, and l. 7. n. 98. But can they do so by the Pope? See there, and l. 7. n. 96. Can they do so in cases reserved to the bishops by law? l. 7. n. 99. What can they do regarding their own subjects? l. 7. no. 101. Can they grant dispensations in the vow of chastity to collect a debt? l. 6. n. 987, v. But can they? Can they grant permission to marry? n. 4128. Can they absolve one who has struck a cleric? l. 7. n. 107. In what irregularities can they grant dispensations? n. 355. Can they do so in homicide committed by fault? n. 396. Can they do so in homicide committed by defect? n. 469, at the end. Can they do so in a defect of the soul? n. 400, at the end. Can they do so in a defect of the body? n. 444, at the end. Can they do so in a doubtful case? Ibid. Can they grant dispensations in an irregularity due to a defect of birth? n. 354, and n. 426. See also under the word "Regularis." Menstruum. During menstruation, is it permissible for a husband to have relations with his wife? l. 6. n. 925. Is she obligated to consent? n. 952. Mental. Is a mental sin in the Church a sacrilege? l. 4, Vol. VI.

[*Latin ed. p. 518*]

n. 43. Mental Simony.

n. 67. Mental Restriction.

n. 152. Mental Usury.

n. 761. Deceitful Merchant, etc.

l. 4. n. 164. Concerning the obligation of merchants.

l. 5. n. 292. See also Monopoly.

Markets are prohibited in the Church.

l. 4. n. 37. Is it permissible to have a market on a feast day?

n. 286. Prostitution.

Can prostitutes be permitted?

l. 4. n. 434. Is it permissible to rent a house to a prostitute?

l. 3. n. 70. Is it permissible for a coachman to transport a prostitute to a brothel?

Translated by churchlatin.ai, a product of Boyne Archives

n. 75. Midday.

Is it permissible to celebrate [Mass] after midday, and when?

l. 6. n. 340, 343, and n. 344.

Superfluous goods diminish in value.

l. 4. n. 802. Can goods that are about to lose value be sold at the regular price?

n. 824. See also the following.

Fear.

Does fear excuse one from transgressing a precept?

l. 4. n. 475, and l. 3. n. 51.

What if a natural precept is binding?

l. 4. n. 475. See also l. 5.

Concerning a vow made out of fear.

l. 4. n. 474.

Concerning a vow made under duress.

n. 197.

Can a woman permit intercourse out of fear of death?

l. 4. n. 368, and n. 433.

What if someone is compelled by fear to suffer a loss?

n. 571. See also the following.

Does fear invalidate a contract by its very nature?

n. 746.

Can someone who has experienced fear rescind a contract?

n. 747.

What if the fear is reverential? Ibid.

What if the fear is slight?

n. 748.

Can someone who has experienced fear reclaim property from a third party in possession?

n. 749.

Is a beneficiary appointed out of fear obligated to fulfill his office?

l. 5. n. 144.

Baptized out of fear.

l. 6. n. 139. See also the following.

Is it permissible to celebrate [Mass] without vestments out of fear?

n. 289.

Is someone ordained out of fear obligated to remain celibate?

n. 844.

Concerning fear used to procure marriage.

Translated by churchlatin.ai, a product of Boyne Archives

n. 1045, and following.

What if the fear is slight?

n. 1055.

What if it is reverential?

n. 1056.

Can someone who inspires fear withdraw from betrothal?

n. 1057.

Is a wife, who is discovered to be related to the man's relative by a third party out of fear, deprived of her right to seek redress?

n. 1074.

How should a marriage be validated if the consent was obtained out of fear?

n. 1109.

Does fear excuse one from penances?

l. 7. n. 46.

Absolution from penances obtained out of fear.

n. 119.

Parents who, out of reverential fear, induce their daughters to enter a monastery.

l. 7. n. 242. See also Doubt 2.

A soldier in doubt about the justice of war.

l. 4. n. 408.

In what ways do soldiers sin in war? From n. 410.

Concerning the testaments of soldiers.

l. 4. n. 929.

Are soldiers excused from fasting?

n. 1034. See also 3.

The marriage of soldiers.

l. 6. n. 1090.

Are soldiers irregular?

l. 7. n. 456 to IV.

From whom should soldiers be absolved?

l. 6. n. 569.

Minister, and to minister.

Is it permissible for servants and merchants to sell goods on a prohibited day?

l. 3. n. 80

Is it permissible to administer the sacrament with a probable opinion?

l. 4. n. 48.

Translated by churchlatin.ai, a product of Boyne Archives

See also Sacrament.
Who is the minister of Confirmation?
l. 6. n. 470.
Eucharist.
n. 230.

[*Latin ed. p. 519*]

Penance, n. 539. Extreme Unction, n. 722. Orders, n. 761. Matrimony, n. 897. The intention required in the minister, l. 6, n. 46. State of grace, n. 31 and 32. What if necessity is urgent, and if it is for a dying person? n. 33. Is it sufficient for him to be contrite? n. 34. What if he administers the Eucharist? n. 35. To whom does the administration of the Eucharist pertain? n. 230. What is required for a lawful administration of it? n. 244. A deacon administering to a dying person? n. 38. A minister using doubtful matter or form, n. 42, v. 4. Corrupting the form, ibid., v. 2. Administering to an unworthy person, n. 43. If you ask for the sacraments from an excommunicated minister, n. 88. If it is the sacrament of Penance, n. 560, and l. 7, n. 466 and 468. If from a sinful minister, l. 6, n. 89. When is a minister bound to administer the sacraments? n. 58. Excommunication major deprives one of the ability to administer the sacraments, l. 7, n. 465. What about minor excommunication? n. 449. Is a minister serving at Mass necessary? l. 6, n. 394. What if he leaves, or pronounces [the words] badly? ibid. Can it be a woman? n. 392. What if nuns respond? n. 394. Can a Bishop dispense with the irregularity in administering? l. 7, n. 434. Ministers who concur in the proof or execution in a case of death, l. 7, n. 465. Minor. A loan given to a minor, l. 4, n. 756. Can a minor obligate himself? n. 948, v. 6. A ward. Minor excommunication when is it incurred, and what are its effects? l. 7, n. 447 to 449. Who can absolve him from it? n. 71. Is it lawful to ask God for a miracle? l. 4, n. 31. Mercy, see Almsgiving, and Fraternal Correction. Mass. Reciting the office under Mass, l. 4, n. 309. Those serving at Mass if they leave to carry wine, the host, etc., ibid., v. 5. Is it lawful to hear two half Masses? n. 314. From what place can one hear Mass? n. 312. Is internal attention required? n. 313. Confessing oneself at the time of Mass, l. 4, n. 314. Does confessing, dressing, or undressing, walking about, collecting alms, singing, etc., at the time of Mass suffice? n. 317. Mass in a private oratory, n. 318. Regarding servants and outsiders hearing Mass in a private oratory, n. 319. Are pilgrims bound to hear Mass, where is it prescribed? l. 4, n. 332, v. But. What is Mass? l. 6, n. 304. Its essence, n. 305. Is anything beyond the species required? n. 306. For whom can it be offered? n. 308 to 340. Effects, n. 314. Does Mass have infinite value? n. 312, v. But. The obligation of priests, pastors, and Bishops to celebrate Mass, n. 343. Concerning conventual Mass, n. 314, and n. 326. Concerning the stipend for Mass, n. 346. See Stipend. What are a Missa Bifaciata and a Missa Trifaciata? d. n. 316, v. But. What delays in the celebration of Masses?

Translated by churchlatin.ai, a product of Boyne Archives

n. 317. Q. II. The obligation of a beneficiary and chaplain to apply Masses, n. 323 and 324. The obligation of a pastor, d. n. v. Q. II. Holy [Decree] by Benedict XIV, n. 325. Concerning the place and time of celebrating. n. 328. What if the Bishop dispenses?

[*Latin ed. p. 520*]

n. 329. Whether the prescription of Masses is permissible. Ibid. Concerning the reduction of Masses, etc. n. 334. What if the principal Mass remains unused? n. 324. See here. Can a chaplain sometimes apply a Mass for himself, or omit to do so? n. 332. What if he is ill? n. 333. Concerning the application of the Mass. n. 334. If a religious applies a Mass against the will of the prelate. Ibid. See. Concerning habitual application. n. 335. Q. I. Application in a confused state. Q. II. Conditional application, or for the first offerer. n. 337. On the feast of All Souls. n. 338. Concerning the altar of privilege. n. 339. Three Masses enjoined by the Bishop at ordination can be applied for others. l. 6. n. 829. Can a newly ordained priest receive a stipend for a Mass which he says with the Bishop? Ibid. See. Whether. When is it permissible to celebrate? Whether before dawn, or after midday? n. 340 to 346. See Dawn, and Midday. Concerning the privilege of religious. n. 342. Is there any small matter involved in this? n. 346. Can the Bishop dispense for this reason? n. 344. Is it permissible to celebrate before Matins? n. 347. What if it is a conventual Mass? n. 348. On the feast of the Lord's Supper, and on the holy Sabbath? n. 350. Can more than one Mass be celebrated on the same day? n. 351. Whether because of the death of someone, or the gathering of the people? Ibid. Whether it is permissible to interrupt the Mass, or to begin anew? n. 352 and 353. The Mass must be completed if the celebrant is unable to continue. n. 355. Is it permissible to say Mass outside the Church? n. 356. Is it permissible in oratories? n. 357 to 359. See Oratory. What is permissible for Bishops concerning oratories? n. 357 to 359. What for religious? n. 360. Concerning the pollution of the Church. n. 361 to 367. See Church. Concerning the desecration of the Church, altar, etc. n. 368 to 374. See Church, Altar, Vessels, and Vestments. Requirements for the Mass. n. 372. Prescribed in the Rubric. n. 372. Concerning the altar. n. 373. Concerning the cloths. n. 374 and 375. Concerning the vestments. n. 376 to 378. Concerning the chalice, and paten. n. 379 to 384. Those who are permitted to touch the vessels, etc. n. 382. Concerning the pyx. n. 383 to 385. Concerning the corporals. n. 386 and 387. Concerning the pall. n. 388. Concerning the purificator. n. 389. Concerning the Missal. n. 390. Concerning the minister. n. 391. What if only one person is present to hear? Ibid. See. Concerning the crucifix. n. 293. Concerning the candles. n. 394. Concerning the antependium, burse, etc. n. 395. Concerning the uncovering of the head. n. 396. Concerning the Rubrics. n. 399 to 404. Do the decrees of the Sacred Congregation obligate? d. n. 401. See Rubrics. Concerning shoes, and slippers. n. 402. Concerning the omission of parts of the Mass. n. 403 to 440. If

Translated by churchlatin.ai, a product of Boyne Archives

the words are mutilated. n. 407. If only plain water is used in purification. n. 408. If those parts which are sung by the choir are omitted. n. 410. See. Doubt 4. If with distraction. Ibid. Doubt 5. Concerning additions. n. 441. Concerning the voice. n. 412 to 446. Concerning the change of the Mass, and votive Masses. n. 447 to 423. If Masses are given to a church, the priests of that church should be preferred. n. 424. See 4. Masses. When must the Mass be interrupted because of the presence of an excommunicated person? l. 7. n. 477. Within what time must the Mass be completed? l. 6. n. 400. Decrees concerning.

[*Latin ed. p. 521*]

Mass celebrations. No. 424. Concerning the exposition of the Blessed Sacrament. See above. Regarding alms offered for Mass, see "Stipendium." Whether a Missal is necessary. Book 6. No. 390. Whether it is permissible to use a Missal of a different rite, or of a religious order? Ibid. See above. Concerning priests. What about the chaplains of nuns? Ibid. See above. Concerning confessors. See "Rubricæ" for the rubrics of the Missal. Manner. A persuasive manner, prepared to cause harm. Book 4. No. 563. Manner differs from condition. No. 734. Is there an obligation to fulfill a manner stipulated in a donation? Ibid. An improper manner in the marital act. Book 6. No. 915. Can the other party, when a spouse requests something in an improper manner, grant it, or are they obligated to grant it? No. 947. Mohatra contract. Book 4. No. 813. See note. Miller, and milling. Is it permissible to mill on feast days? Book 4. No. 277. Are millers excused from fasting? Book 4. No. 1044. Mollities, see "Pollutio." Monk, see "Religiosus." Concerning monks by name who come: are they hermits? Book 7. No. 274. Monks who bleed with incision or cauterization. No. 384. Concerning monks or clerics intervening in a case of bloodshed. No. 467. Monasteries. Where the servants of monasteries should receive Communion during Easter. Book 6. No. 240. See No. 40. Are monasteries of religious orders exempt places? Book 7. No. 24. See "Monialis" and "Clausura." Monastery. A religious person warns a witness not to leave a legacy to the parish church, but to leave it to the monastery. Book 4. No. 588. Money. A servant exchanging money. Book 4. No. 856. Can adulterated money be spent? No. 855. See also "Pecunia." Nun. Can the vows of nuns be annulled by the abbess? Book 4. No. 233. To which prelates are nuns obligated to obey? Book 5. No. 54. Are they obligated to reveal defects of others during visitation? No. 57. Concerning the privileges of nuns. Book 5. No. 60. Do nuns enjoy the privileges of religious? Ibid. Can they be absolved by the Bishop? No. 64. Can nuns respond to the celebrant? Book 6. No. 391. Can they choose a confessor, if an extraordinary confessor is not granted to them? No. 576. See above for more about the extraordinary confessor. Can nuns refuse a confessor appointed by the Bishop? No. 577. See above. Note 3. Can a parish priest be chosen as the confessor of nuns? Ibid. Note 3. Can the Vicar

Translated by churchlatin.ai, a product of Boyne Archives

General of the Bishop, and religious, be chosen? Ibid. Are nuns subject to a reservation made by the Bishop? No. 602. Even if they are exempt? Ibid. Question VI. What if the Bishop reserves a case for the cloister? Question VII. and Book 7. No. 241. Concerning entry into a monastery of nuns. Book 7. No. 224. Concerning nuns who violate the cloister. No. 229. Concerning conversation with nuns. No. 232. Is only access forbidden? No. 233. Is a small amount of material permitted in conversation? No. 236. What about religious? No. 232. and No. 236. What if someone speaks through signs? No. 234. Who is permitted to speak: are relatives allowed?

[*Latin ed. p. 522*]

239. Concerning those who are inquiring [about the faith], and the poor? See [reference]. verse 3. And concerning the young? See [reference]. 240. Concerning foreigners, etc.? See [reference]. 242. Concerning bishops. See [reference]. 243. Questions to be asked of nuns during confession. In *Praxis Confess.*, no. 54, at V. Are mendicant friars bound to confess and receive Holy Communion monthly? See [reference], no. 343, verse. However, they say... A warning, and to warn. Is it necessary to demand interest for damages incurred, so that the borrower may be warned? See [reference], no. 769. The confessor foreseeing that a warning about restitution will be ineffective. See [reference], no. 682, verse II, and no. 988. Does the confessor ought to warn the penitent? See [reference], no. 609, and in *Praxis Confess.*, no. 8. What if he foresees that a warning will be ineffective? See [reference], no. 640, and in *Praxis*, no. 9. If he notices that a marriage is invalid. See [reference], no. 644. And what if it needs to be contracted? See [reference], no. 642. Is a warning about restitution always to be given? See [reference], no. 644. What if the scandal of others is feared? Ibid., part III. What if damage is threatened to the common good? See [reference], no. 645. If the penitent asks? See [reference], no. 646. If a benefit is expected soon. Ibid., part V. Exception. What if there is doubt? Ibid., part Utrum. Is the penitent always to be warned about the obligation to report to the confessor who is requesting it? See [reference], no. 694. Warnings concerning sins. See [reference], no. 52 to 58. *Monitorium* (a formal warning), see [reference], no. 248. *Monitorium* under excommunication. See [reference], no. 214 to 217. What is a monopoly, and in how many ways does it occur? See [reference], no. 814 and 845. Concerning merchants who buy up all the grain. See [reference], no. 816. Concerning those who conspire to sell at a high price. See [reference], no. 847. If an unjust monopoly has been created, is it permissible for others to sell at the same price? Ibid., see "Sed hic." (But here). Should one be baptized? See [reference], no. 425. Monstrous is irregular. See [reference], no. 442. Pawnshops, see [reference], no. 765. See also "Circa autem" (Concerning). Those who oppose them are excommunicated. See [reference], no. 210 to 5. Delay in restitution of

Translated by churchlatin.ai, a product of Boyne Archives

stolen goods. See [reference], no. 683. Concerning fulfilling a vow. See [reference], no. 224. It is asked. Disease, see Infirmity. Is it permissible to grant a debt to a spouse suffering from the French disease (syphilis)? See [reference], no. 909, see "Dub. 1." (Doubt 1). What about in a fever, after bathing, after venesection (bloodletting)? See [reference], no. 940. Is the spouse bound to provide for one suffering from a contagious disease? See [reference], no. 950. A dying person. When may the Eucharist be given to a dying person without absolution? See [reference], no. 288. They say. How should one absolve someone deprived of their senses? See [reference], no. 479. If they give signs of repentance. See [reference], no. 480. If they have indicated a desire for absolution. See [reference], no. 481. Should they then be absolved conditionally? Ibid., see "Utrum" (Whether). What if they give no sign? See [reference], no. 482. If they are deprived of their ability to sin. See [reference], no. 483. How should penance be imposed on a dying person? See [reference], no. 507. Concerning indulgences for the dying. See [reference], no. 534. Should the Eucharist be given to children, and to those who are grieving over the dying? See [reference], no. 246. Should it be given to a public sinner, and one who is condemned to death? See [reference], no. 247. Is the dying person bound to contrition? See [reference], no. 437.

[*Latin ed. p. 523*]

Q. 2. Can a layperson or cleric absolve a dying person from censures? No. 540. Who can absolve the dying. No. 560. Who is considered to be in danger of death. No. 564. See. How the confessor should behave with a dying person. See in Pract. Confess. No. 405 to 407. Death. Is it permissible to kill oneself to avoid a more grievous death? Book 4. No. 367. Can a donation be accepted by an heir after the death of the donor? No. 729. A mother wishing for the death of her daughter who is having difficulty marrying. Book 2. No. 22. Wishing for one's own death to avoid a difficult life. Ibid. See Peril. Mortal sin. Does a precept under a censure also obligate under a mortal one? Book 7. No. 33. Is it mortal to receive the sacrament while under a lesser excommunication? No. 452. Is it permissible to minister? Ibid. Is it permissible to say Matins after Mass? Book 6. No. 347 and 348. Sacraments for the dead, what are they? Book 6. No. 6. A guarantor is liable for the entire damage. Book 4. No. 579. See. If, however. Motions. Having a negative disposition towards disordered motions. Book 2. No. 6. What if they are carnal motions? No. 7. Remedies for restraining them. No. 8. What if there is a reason for not resisting them? No. 9. Fines. Preventing a fine from being applied to the treasury or to lords. Book 4. No. 583 and Book 5. No. 237. Fines are due after a sentence. Book 4. No. 448. See also Fine. Woman, see Female. Gift given by hand in simony. Book 4. No. 56. Gift given by obligation. No. 64. Gift given by word. No. 63. Does a girl sin by accepting gifts from her lover? Book 3. No. 76. Does a judge sin

Translated by churchlatin.ai, a product of Boyne Archives

by accepting gifts? Book 5. No. 214. To what is he bound? No. 246. Those giving gifts to a judge. No. 212. Penalties for a judge unjustly judging due to gifts. No. 245. Gift of a subdeacon. Book 6. No. 747. See. From what has been said. Of other orders. No. 805. The giving of gifts in marriage. No. 843. Do musicians fulfill canonical hours? Book 5. No. 443. See. Note 3. Change of circumstances in an oath. Book 4. No. 487. In a vow. No. 225 and 226 and Book 5. No. 50. What about a vow of chastity, and a solemn one? Book 5. No. 50. Change in a promise. Book 4. No. 720. See. Note. Change in sacraments, which is essential, and which is accidental. Book 6. No. 41. Mutilation. Is it ever permissible to mutilate oneself? Book 4. No. 373. Mutilating words in an office. Book 5. No. 165. Reciting with a companion who is mutilating. Ibid. See. Hence. Mutilation of words in the Mass. Book 7. No. 407. Mutilation of members, which is an irregularity. Book 7. No. 378 to 382. Can bishops dispense in this case? No. 381. Can regulars? No. 396 and No. 469, at the end. A mute, when is he bound to restitution? Book 4. No. 573. A mute, and a deaf person, and a blind person, can they receive Communion? Book 6. No. 303. A mute is excused from material integrity. No. 479. Does he have to do so in writing or

[*Latin ed. p. 524*]

Signs of Confession? See above, section 5. A question is raised: How should a confessor behave with the mute and the deaf? See *Praxis Confess.*, nos. 100 and following. Loans and Borrowing. Is it permissible to request a loan from an usurer? Book 3, no. 47. Answer: Probably. Nos. 49 and 57. Is it permissible to lend to someone who will misuse the loan? No. 78. Is it permissible to lend for the sake of charity? Book 4, no. 57. Is it permissible to lend for a spiritual purpose? Ibid. If someone is asked whether they can refuse a loan, etc. Book 4, no. 463. Should a wealthy person satisfy a debt by lending to a poor person? Book 4, no. 520. Answer: Question 5. A poor person uses a borrowed item in extreme necessity. No. 624. When must a loan be repaid? No. 755. Concerning a loan given to the Church, a university, or a minor. No. 756. Concerning a loan given to a family member. No. 757. Does a religious person sin by lending something that has been granted to them for use? Book 5, no. 27. Mysteries to be believed concerning the necessity of a mediator. Book 3, nos. 4 and 2. NATIVITY. Does an irregularity arising from a lack of proper birth order cease with a religious profession? Book 7, no. 354. How is ownership acquired through birth? Book 4, no. 494. Shipwreck. In a shipwreck, yielding a plank to a friend. Book 4, no. 366. See also Book 5, no. 284. Are sailors excused from attending Mass? Book 4, no. 325. Can a sailor carry a prostitute? Book 3, no. 75. Answer: But is it permissible? Necessity. Concerning the spiritual necessity of a neighbor. Book 3, no. 27. Concerning bodily necessity. No. 34. Concerning common necessity. No. 32. How does necessity excuse labor on a feast day? Book 4, no. 295. Under what necessity is it permissible to take

Translated by churchlatin.ai, a product of Boyne Archives

something belonging to another? Book 4, no. 520. A thief uses a stolen item in extreme necessity. Ibid. See Question IV. If the necessity ceases, must the item taken be returned? Ibid. See Question V. Should a wealthy person satisfy a debt by lending? Ibid. and following. If a wealthy person does not assist a poor person in extreme necessity, are they obligated to make restitution? Ibid. See Question VI. Is a debtor who is in necessity obligated to make restitution? Book 4, nos. 704 and 703. Is it permissible for a cleric to engage in business out of necessity? Book 4, no. 837. It is not permissible for children to enter religion if their parents are in need. Book 5, no. 66. Are they obligated to leave if they have made a profession? No. 67. It is forbidden for parents to become religious if their children are in need. No. 69. Is it permissible to abandon brothers in need? No. 70. Necessity excusing pastors from residence. Book 5, no. 425. See II. Necessity excusing canons from the choir. No. 130. See II. Necessity of the Eucharist. Book 6, nos. 492, 493 and no. 496. In a necessity, is it permissible to administer the sacrament to a dying person? No. 35. Is it permissible to use a tenuously probable opinion? No. 403. See III. and no. 483, near the end. Necromancy: What is necromancy? Book 4, no. 6. See Divination. Commerce and to Engage in Commerce. What is commerce, and how should a cleric...?

[*Latin ed. p. 525*]

et religiosis prohibita? Book 4, paragraph 834. Concerning a son who engages in business with his father. Book 4, paragraph 544 and paragraph 940. Regarding merchants: what questions should be asked. Practice of Confessors, number 59. A novice cannot be ordained. Book 6, paragraph 784. When is a noble man considered to be in extreme necessity? Book 4, paragraph 520, see. Noble man: is it permissible for him to beg, or to receive something from another? Ibid. Nocens, see Innocens. Concerning the nocturns in the Office: may they be recited separately? Book 5, number 467. The name to be given at Baptism. Book 6, paragraph 145. Concerning the names of Bishops who arrive. Book 7, paragraph 79. Concerning the names of divine offices? Paragraph 477. Concerning the name of a member? Paragraph 379. Concerning the name of a cleric? Paragraph 270. Concerning the name of a monk? Or of a hermit? Paragraph 271. Concerning the name of one's own priest who arrives. Book 6, paragraph 564, see. And paragraph 670, and Book 7, paragraph 70, see. Furthermore, and paragraph 92. Concerning the name of a parish priest? Book 6, paragraph 1084. Concerning the name of a grievous sin? Book 6, paragraph 554. Presentation for a benefice, see Presentation. Notary. To what are notaries bound? Book 5, paragraphs 230 and 234. Notaries of Naples: after two years, they may not ask for anything. Book 4, number 516. When is a crime considered notorious? Book 4, paragraph 975. Notorious, see Occult. Novice. One who leads a novice away from religion. Book 4, paragraph 662. The testament of novices. Paragraph 929. Can an abbess annul the vows of novices? Book 5,

Translated by churchlatin.ai, a product of Boyne Archives

paragraph 55. Is a novice subject to the reservation of the Bishop? Book 6, paragraph 583, see. He. What if he commits a reserved act before entering? Ibid. Can religious orders absolve novices from papal penances? Book 7, paragraph 402. Can they absolve from reserved acts by Bishops? Paragraph 403. To marry. Concerning the vow of marriage. Book 4, paragraph 209, see. Vow. Is it permissible to marry a sinner, or someone who has a vow of chastity? Book 3, paragraph 60, and Book 6, paragraph 55. And is it permissible to return a debt to him? Paragraph 61. Is anyone ever obligated to marry? Book 6, paragraph 75. Are sons obligated, if their parents demand it? Paragraph 850. The number of sins. Book 2, paragraph 35. The number of sins must be explained in confession. Book 6, paragraph 466. Are markets permissible on feast days? Book 4, paragraph 286. A messenger who fails to make the donation that was commanded to him. Book 4, paragraph 730. A messenger who receives payment from two people. Paragraph 862. O, OBEDIENCE, and To obey. Obedience due from sons. Book 4, paragraph 335. Obedience due from religious. Book 5, paragraph 38. If a superior commands something, but not by virtue of...

[*Latin ed. p. 526*]

Regarding knowledge. Ibid. Whether a religious is bound to obey in matters that are contrary to or beyond the rule. No. 40. (See also the word "Rule.") Does a religious person who disobeys sin doubly? No. 46. Is one bound to obey in doubt whether a thing is licit? No. 47. What if it is probable that one is not bound? Ibid. See. Monials to whom obedience is due to superiors. Book 5. No. 54. Concerning the obedience due from nuns to the Bishop. No. 56. When does obedience excuse pastors from residence? Book 5. No. 125. Book 3. Concerning the obedience promised by a priest to the Bishop, to what extent is it binding? Book 6. No. 828. Object. Are sins distinguished by number according to the diversity of total objects? Book 2. No. 45. The formal and material object of faith. Book 3. No. 4. Hope. No. 21. Charity. No. 24. See. Object. Does the obligation of a law depend on acceptance? Book 4. No. 136. Can a natural obligation be reduced to a contract? Book 4. No. 53. The obligation of physicians towards the sick regarding confession, etc. Book 6. No. 664. and in Practice of Confession. No. 57. The obligation of priests to qualify themselves to hear confessions. Book 6. No. 625. and in Practice. No. 50. and following. The obligation to denounce confessors who are soliciting. Book 6. No. 693. and in Practice of Confession. No. 83. Also, to denounce confessors who are inquiring about the name of an accomplice. Book 6. No. 494. Oblivion is equated with invincible ignorance. Book 4. No. 474. Is one bound to restore a good name, if one believes that the matter has been erased by oblivion? Book 4. No. 998. Obreptio (seizure) and Subreptio (theft) in dispensation. Book 4. No. 485. See. Regarding the observance of feasts in abstaining from labor. Book 4. No. 272. In hearing Mass. No. 308. Vain observances, what are they, and

Translated by churchlatin.ai, a product of Boyne Archives

how many? Book 4. No. 44. Is it a grave sin? No. 45. How is it known? No. 46. Examples of vain observances. No. 47. Concerning those who are called saviors. No. 48. Concerning those who perform miracles. No. 19. What is to be presumed in doubt? No. 20. Are Ensalmi (charms) permitted? No. 21. Is natural fascination permitted? And are kisses, or turpiscule (indecent gestures), to be avoided? No. 22. Can an obsessus (one afflicted by an obsession) receive Communion? Book 6. No. 303. An obsessus is irregular. Book 7. No. 397. and 399. Who can dispense with him? No. 400. How should a confessor behave towards the obsessus, in Practice of Confession. No. 440. How should one behave towards those who are gathering with a demon, etc.? No. 443. Should obstetrics be examined by the parish priest? Book 6. No. 447. See. Regarding what should be said about those baptized by midwives? No. 436. Occasion. Can one who is in a position to sin be absolved, for the purpose of exercising an art? Book 4. No. 438. and Book 6. No. 455. Should the occasion be removed if there is a serious loss? Book 4. No. 441. Is it permissible to expose oneself to a probable danger of sin? Book 3. No. 26. See. Likewise, Book 2. No. 63. How many kinds of occasions are there? Book 6. No. 452. Which are voluntary, and which are necessary. Ibid. See. Those who are said to be in a proximate occasion. Ibid. See.

[*Latin ed. p. 527*]

Are young men and women to be considered as already betrothed in their own minds? See above, p. 5. He says: And in the *Praxis Confessorum*, no. 63. (Where, among other things, the doctrine of St. Charles Borromeo, no. 66, is particularly noteworthy. Namely, if the opportunity exists, or not.) Is one to be absolved who is in a voluntary occasion of sin, if he has extraordinary signs? Book 6, no. 452, see above. And no. 464, concerning one who exposes himself to a probable danger of sinning. No. 453. Can he be absolved at least once, or again? No. 454, and in the *Praxis Confessorum*, no. 66. Is one who is in a necessary occasion? Nos. 455 and 456, and in the *Praxis*, nos. 68 and 69. What if he always relapses? No. 457, and in the *Praxis*, no. 69, at the end. The doctrine of St. Charles. No. 458. Why should one act more strictly with one who seeks an occasion, than with a relapsed person? No. 463, see above, and no. 464. Concerning the distinction between *occasio* and *occidere*. Is it permissible to kill or mutilate oneself? Book 4, no. 366. Is it permissible to kill a malefactor? Book 4, no. 376. Is it permissible to kill an invader of life? Book 4, no. 380. Is it permissible for the guilty or banished to kill ministers of justice? Ibid., no. 4. It is not permissible. Is it permissible to kill a thief? Book 4, no. 383. Is this permissible for a cleric or religious? Book 4, no. 384. Is it permissible to kill an invader of honor? Book 4, no. 384. Is it permissible to kill an invader of chastity? Book 4, no. 386. An invader of reputation? Book 4, no. 388. Is it permissible for servants to defend themselves with arms? Book 4, no. 385. Is it permissible to prevent an aggressor? Book 4, no. 387. Is

Translated by churchlatin.ai, a product of Boyne Archives

there an obligation to protect the life of an innocent person, or his honor, or his chastity? Book 4, nos. 389-394. Even alien property? No. 392. Is it ever permissible to kill an innocent person? No. 393. Is it permissible to return the sword to one who is about to kill? Book 3, no. 76. Is it permissible to kill animals on feast days? Book 4, no. 298. Concerning killing, so that another's homicide may be imputed to him. Book 4, no. 586. To what is the killer held accountable? No. 626. What if someone, thinking he is killing Caius, kills Titus? No. 628. Does the remission of the father who was killed hold valid against the children? No. 630. To which heirs is restitution to be made for the one who was killed? No. 631, see no. 44. To those who would have received something from the deceased by generosity? No. 632. What if the killer intends to compensate for the damages of others? No. 633. Is restitution of damages to be made to the creditors of the deceased? No. 634. What if the killing is imputed to another? No. 635. What if the killer intends this? No. 636. What if the one who was attacked kills, exceeding the bounds of necessity, etc.? No. 637. Should the price of the labor of the deceased be deducted, etc.? No. 639. Should one be judged guilty if there is a probable opinion to his detriment? Book 5, no. 210, questions 1 and 2. Concerning that which is hidden (*occultus*). When is a crime said to be hidden, and when is it brought before the court? Book 6, no. 593, see above, and no. 441, and Book 7, no. 76, note 2. What if a crime is hidden in one place, and not in another? Book 7, no. 78. Is it permissible to marry with a hidden defect? Book 6, nos. 864 and 865. Irregularities and papal dispensations are also granted by the Sacred Penitentiary. Book 7, no. 470. Do bishops grant dispensations for hidden papal irregularities? Book 7, from no. 74. Concerning the acquisition of ownership by occupation (*occupatio*). Book 6, no.

[*Latin ed. p. 528*]

493. Usurpation concerning treasures. n. 602. Concerning hunting and fishing. num. 604. Concerning found objects. num. 603. If an eye is missing, is it irregular? l. 7. n. 410. Hatred. Is it permissible to detest? l. 3. n. 30. Is it sufficient to confess that one wished evil to one's neighbor? ibid. v. 4. In confession. and l. 2. num. 50. v. Qu. 5. Is it permissible to wish evil to one's neighbor for some good reason? l. 3. num. 30. v. It is permissible. and l. 2. n. 24. Is it permissible to flee from an enemy? l. 3. n. 30. v. 3. Private. Impeding, through hatred, but without fraud, the good of another. l. 4. n. 584. Office. Selling ecclesiastical offices. l. 4. n. 68. Does the sale of an ecclesiastical office incur penalties, whether it is removable or a vicariate? l. 4. n. 412. Is guilt required for restitution in offices? n. 555. Forbidden offices for clerics. l. 5. n. 490. Obligation to recite the office for the dead. l. 5. n. 464. v. Qu. II. Can it be recited the day before? num. 474. v. Qu. II. Changing the divine office. n. 461. v. Qu. III. Can you conform in the breviary office with a privileged cleric? ibid. Qu. IV. If one errs in the office, is he bound to

Translated by churchlatin.ai, a product of Boyne Archives

repeat it? ibid. Qu. V. Is one bound to repeat it if, while reciting the office with a companion or in a choir, he did not understand it? l. 5. n. 463. v. Qu. II. Reciting the office in mortal sin. n. 478. Reciting in unclean places. n. 479. Is the place in which the office is recited of precept? ibid. v. Qu. IV. See also v. Canonical Hours. What the office of a confessor is, see Confessor. Is it permissible to recite the office privately with an excommunicated person to avoid him? l. 7. n. 473. What comes from the name of divine offices. n. 477. Is an excommunicated person bound to recite the office? num. 478. And does he sin by saying, "The Lord be with you," or by reciting privately with another? ibid. Offices of ordinaries. l. 6. n. 805. What an omen is. l. 4. n. 6. v. Through tacit. Serious omission in hearing Mass. l. 4. n. 310. In reciting the Hours, l. 5. n. 446 and 147. From what time is the sin of omission imputable? l. 2. n. 40. What sin is it to omit something in Mass? l. 6. num. 403 ad 440. If a priest omits to say, "I join you together," n. 899. in fine. If the final blessing is omitted in Confirmation. n. 188. v. Note. Onuromancy, see l. 4. n. 6. v. Divination. Works. Giving work of a licit thing when excused from irregularity. l. 7. n. 383. ad num. 385. What if it is an illicit thing? n. 386 et seq. Workers who are excused from fasting. l. 4. n. 1044. Opinion. What is a probable, more probable, and most probable opinion. l. 4. n. 40. Dissertation on the moderate use of a probable opinion. l. 4. n. 53. Is it permissible to follow a probable opinion, abandoning a more probable one? n. 44. Is it permissible to use a probable opinion with injury to another? n. 42. What if there is probability of law? n. 53. Is it permissible to use a probable opinion, omitting a safer one? n. 43. Is it permissible to use a probably probable opinion? n. 53. Is there ever an obligation to follow a probable-

[*Latin ed. p. 529*]

I. When a Superior commands something with a probable opinion, is it better to obey than to follow a more probable opinion? I. This case arises when a Superior commands something with a probable opinion. See also book 5, paragraph 47.

II. When a penitent desires to follow a probable opinion. See book 6, paragraph 604.

III. When a penitent possesses a thing in good faith with a probable opinion. See book 1, paragraphs 35 and 36, and also book 4, paragraph 669.

Regarding a judge: See "Judge."

Regarding a physician: See "Physician."

What opinion should be followed concerning matters of faith? See book 3, paragraph 40.

Is it permissible to contract marriage with a probable opinion regarding its validity? See book 4, paragraph 50, and book 6, paragraphs 904 and

Translated by churchlatin.ai, a product of Boyne Archives

following.

Is it permissible to make restitution with a probable opinion? See book 4, paragraph 521. See Note.

Is it permissible to use knowledge of confession with a probable opinion? See book 6, paragraph 633.

Is it permissible to declare war with a probable opinion? See book 4, paragraph 404.

Is it permissible to administer the Sacraments with a probable opinion? See book 6, paragraph 57.

In cases of necessity, is it permissible to use a tenuously probable opinion? See paragraphs 103 and 482 near the end.

Is it permissible to use a probable opinion concerning the seal of confession? See paragraph 633.

Is it permissible to marry with a probable opinion that there is no impediment? See paragraph 902.

What if the probability concerns a fact? See ibid., Question III.

What if the probability concerns only an impediment? See paragraph 905.

What if a judge imposes a censure, and you do not restore the item, but you are probably not obligated to do so? See book 7, paragraph 68.

How should a confessor behave regarding the choice of opinions? See "Practice of Confessors," paragraphs 114 and 115.

Is a confessor obligated to absolve someone adhering to a probable opinion? See book 6, paragraph 604.

What if he believes the opinion to be false? See ibid., and see "Practice of Confessors," paragraphs 114 and 115.

Works of servitude. See book 4, paragraphs 272 and 274 and following.

Works of servitude on feast days in the kingdoms of Naples and Sicily. See paragraph 332 at the end. See "Here it is important."

Works of piety that excuse from fasting. See book 4, paragraph 4048.

What if they are undertaken spontaneously? See ibid. See "But it is doubtful."

The Sacraments cause grace through the action performed. See book 6, number 6. See Note VI.

Increase of grace through the action of the one performing it. See ibid.

What is an oracle? See book 4, paragraph 6. See "Divination."

Prayer, and to pray. Is a medium necessary? See book 4, at the beginning.

Does a priest sin by omitting prayers while putting on his vestments? See book 6, paragraphs 403 and 410.

Doubt 3. What about prayers before or after Mass? See paragraph 410.

Translated by churchlatin.ai, a product of Boyne Archives

Doubt 2. In the prayer of consecration, can a saint who is not yet canonized be named? See paragraph 414.

The vocal nature of prayer: whether one should hear oneself. See paragraph 414.

Concerning the number of prayers in the Mass. See number 423.

The prayer of Indulgence: should it be vocal? See paragraph 536 ad XXIV.

Is it permissible for an excommunicated person to pray privately in a church? See book 7, number 174.

Oratory. Who are those who fulfill their duty by hearing Mass in a private oratory? See book 4, paragraph 318.

Is someone with the privilege of an oratory obligated to provide a priest if they cannot attend church? See paragraph 324. See "Correctly."

In which oratories can Mass be celebrated with the permission of the Bishop? See book 6, paragraph 357.

Should an oratory have a door to the street? See ibid. See "This."

What about in the houses of a community? See ibid. See "Not II."

In the palaces of Bishops. See ibid. See "Ne-."

[*Latin ed. p. 530*]

III. What concerning a rural residence of a Bishop outside his diocese? See concerning chapels of Bishops and Cardinals. See. Can a Bishop celebrate, or have Mass celebrated, in houses where he is not residing? No. 358. Can he ever grant a dispensation to have it celebrated in a private house? No. 359. Concerning the privilege of private individuals. See Note I. On which days is it forbidden to celebrate in a private chapel? See. From which [source]? Who may hear Mass there? See. Dioceses. (And see book 4, No. 319.) Can the second Mass be celebrated there? See No. 359. See. 2. Is it permissible to administer the Eucharist there? See. Questions. And can Penance be administered there? See. Concerning regulars. No. 360. Are chapels that are not blessed to be avoided? No. 362. How an altar is to be constructed in chapels. Book 4, No. 348. See Note 4, and No. 424. See 43. Are Masses forbidden in chapels before the parish church? See. 44. Concerning Ordination, to Ordain, and the Ordination itself. What is Ordination? Book 6, No. 735. Can a Latin [rite priest] be validly ordained according to the Greek rite, and vice versa? No. 744. Is the matter to be handed over by the ordaining [bishop]? No. 744. Does he himself have to celebrate? See Note II. If Ordination is performed without the second imposition [of hands]. No. 749. See. According to [the rule]. Is the handing over of instruments essential? No. 750. What if the host is touched, and not the paten? No. 754. What if the chalice is with wine, and the host is mixed in there? See. If the chalice and paten are present, but not the host. No. 752. If only the chalice. No. 753. A priest lacking other orders validly celebrates. No. 754. Is it illicit? See. Lacking the sacred order, the exercise of this [sacrament] is performed

Translated by churchlatin.ai, a product of Boyne Archives

solemnly, it is irregular. See. In case of doubt as to whether someone has been validly ordained. No. 757. How the defects of ordination are to be remedied. No. 758, and following. From which Bishop is the ordination to be performed? No. 760, and No. 768. Who is the minister of the order? No. 764. Can a simple priest [be ordained]? No. 762. Was the subdiaconate always a priesthood? See. Question. The ordaining [bishop] is in mortal sin. No. 767. Can the one to be ordained, who is stained with a shameful vice, be absolved if he wishes to receive the sacred order? No. 63, and in Practice, No. 78. Who are validly ordained? No. 784. Are infants? No. 782. Who are licitly ordained? No. 783, and 784. The Bishop's protestation that he does not intend to ordain the unworthy. No. 784. See. Question. If someone does not have the intention of receiving the higher orders. No. 785. If someone is ordained while under age, can he marry? See. Doubt 2. If someone is ordained with the intention of avoiding the jurisdiction [of a bishop]. Doubt 3. Must the one to be ordained be confirmed? No. 786. The time of ordinations. No. 795. See Interstitia [intervals]. The place of ordination. No. 798. If someone is ordained in a foreign diocese. See. Add. Age of ordination. Book 6, No. 783. See XI, and No. 799. See Age. Must the one to be ordained receive the Eucharist? No. 804. Must he have probity? See. in fin. Must he have a divine vocation? No. 802. Having his domicile in one diocese, a benefice in another, and his origin in another, he can be ordained by any of those Bishops. No. 771. See other. Domicile. Ordination by title of benefice. No. 774. Is the title of service, of a mensal [stipend], or of a church or of masses sufficient? See. Are the obligations of masses to be deducted? See. Can the Bishop of the benefice grant a dispensation during intervals?

[*Latin ed. p. 531*]

n. 776. Does this confer a benefit?

n. 776. What if one has benefits in multiple dioceses?

n. 777. Concerning the order of clerics, see *Familiaris*. Concerning the duties of those in orders.

n. 805. Concerning their celibacy, see *Cœlibatus*. Can a married man be ordained?

n. 812. And is the wife then obligated to enter religion? Ibid. 2. Lawfully. And can she marry after the death of her husband?

Dub. 2. Concerning the title of ordination.

n. 813. See *Titulus*. Concerning the obligation to wear the habit, and Tonsure.

n. 805. v. Quatuor. Priests to whom obedience is given to the Bishop, to what are they bound?

n. 828. Concerning the obligation to recite prayers and Mass.

n. 829. Concerning the statutes in the concordat of the Kingdom of

Translated by churchlatin.ai, a product of Boyne Archives

Naples.

n. 830. Simonian ordination, and its penalties. l. 4. n. 109. Order of Charity. l. 3. n. 25. Order of those who make restitution. l. 4. n. 580. v. *Ordo*. Concerning the order of restitution, which should be performed first.

n. 684 ad 695. Concerning the order of reciting the Divine Office. l. 5. n. 169. Causes for interrupting the Divine Office.

n. 170. What about in the choir?

n. 171. Can orders be denied to a hidden sinner publicly requesting them? l. 6. n. 52. What is an order?

n. 734 et 735. And how many are there? Ibid. v. Concerning faith. Is the first Tonsure an order?

n. 734. Are the individual orders sacraments?

n. 736 et 737. Is the Episcopate a distinct order?

n. 738. Remote matter.

n. 739. Was it instituted in its entirety by Christ, and also the form?

n. 740. Immediate matter; and is contact required?

n. 742. Must it be physical?

n. 743. Must the matter be given by the ordaining prelate?

n. 744. The matter of the minor orders.

n. 748. Subdiaconate.

n. 746. Must it be consecrated?

n. 747. Diaconate.

n. 748. Priesthood.

n. 749. Is it solely the imposition of hands? Ibid. v. Tertia. The form of the Priesthood. Ibid. v. Juxta. How many bishops must ordain a bishop?

n. 755. Can a bishop give the first Tonsure outside of his diocese?

n. 756. Can abbots confer the minor orders on their monks, or those presenting themselves for dismissal?

n. 763. Is this valid?

n. 766. What penalty do they incur? Ibid. Can they confer orders on a novice?

n. 764. From which bishop must regular canons receive orders?

n. 768. From which, a novice?

n. 765. From which, others?

n. 769. More things to note from the Bull *Speculatores*.

n. 770. What if someone has permission to receive orders outside of the proper times, with the clause that it is only for their own Ordinary?

n. 788. Note 9. Receiving orders gradually.

n. 793. Can the minor orders be conferred on a feast day?

Translated by churchlatin.ai, a product of Boyne Archives

n. 794. Can they be conferred on a Friday, etc.? Ibid. Receiving two sacred orders at the same time.

n. 796. Or minor orders with the subdiaconate.

n. 797. Or on Saturday, one sacred order, and another on Sunday.

n. 796. The exercise of the order received.

n. 804. The order of Priesthood absolves from betrothal.

n. 874 et 872. It annuls marriage. n. 1058. Is this by divine law?

n. 1059. Can a bishop dispense with the impediment to the minor orders, and a simple benefice? l. 7. n. 428. To a canonry?

n. 429. To a bigamist?

n. 451. If the bigamy is concubinage?

n. 452.

[*Latin ed. p. 532*]

Order of judgment required for imposing censures. Book 7, numbers 54 to 65. Do organists fulfill their divine office? Book 5, number 143, see Note 3. Superfluous adornments for women. Book 3, numbers 54 and 55. Oscillation against fascination. Book 4, number 22. Are kisses ever permissible? Book 4, number 447. And under what circumstances are they excused from mortal sin? Number 448. See also under "Touch." Is idleness to be avoided, or does it excuse one from working on feast days? Book 4, number 302. Eggs are not permitted at collation. Book 4, number 4027. See also under "Dairy Products." P. Pact of conventional penance. Book 4, number 786. See "Lawful." 3. Pact of the Commissary of Justice. Number 775. Pact in a loan, so that the debt is repaid not by justice. Number 777. Pact to cease from an injury. Ibid. To forgive an injury. Number 778. To perform an office. Number 779. To render a debt out of gratitude. Number 780. Pact of exchange. Book 4, number 784. To return a thing in the same species. Number 782. Pact of redemption. Book 4, number 842. Pact of re-emption. Number 843. Pact of insurance on a loan. Number 842. Pact in a partnership, so that the loss by chance is common. Book 4, number 907. See Question IV. Pact concerning the inheritance of a living person. Number 934. Pagan. Is it permissible to sell children to pagan parents? Book 6, number 433. Is the pallium to be made of linen? Book 6, number 388. What if it is omitted? Ibid. Is it to be blessed? Ibid. Is it permissible to use two palls, one for the chalice, and one for the hosts? Ibid. See "He Says." Palpation when it is required for restitution. Book 4, number 567. Is it permissible to prepare bread on feast days? Book 4, number 299. Is cooked bread permitted at collation? Number 4029. What kind of bread is the matter of the Eucharist? Book 6, number 498. Pope. Concerning the infallibility of the Pope. Book 4, number 440. Concerning his superiority over councils. Number 421. Can the Pope dispense in solemn vows? Book 4, number 256. See "Queries." Can the last will be changed? Number 934. Does the Pope sin grievously if

Translated by churchlatin.ai, a product of Boyne Archives

he dispenses in fasting without a cause? Book 4, number 4032. See 4. Can he dispense to consecrate only one species? Book 6, number 496. Doubt 2. Can he dispense in those things which are of divine right? Ibid. and number 4419. Can he dispense in a new consent, if the marriage is to be validated? Number 897. See Probability 4, at the end. Can he dispense in a valid marriage? Number 959. Can he dispense in a solemn vow to enter into marriage? Number 4026. In what cases can he dispense? Number 4448. Can he dispense in those things which are of divine right? Number 4419. Can he dispense in those things which are of natural right? Number 4420. Papal cases, see "Cases and Censures." Is a person suffering from paralysis irregular? Book 7, number 409. Vestments, see "Vestments."

[*Latin ed. p. 533*]

Is it permissible to be prepared to sin? Vol. 3, No. 47. Suggesting a means to inflict harm. Vol. 4, No. 563. What if you suggest a means to inflict less harm? No. 565. Parent, see Father. Parliaments are forbidden in the Church. Vol. 4, No. 37. Parish. In which parish is the Paschal Communion to be celebrated? Vol. 6, No. 300. In which are marriage banns to be announced? No. 994. Question 2. In which is marriage celebrated? No. 1086 and 1087. Parish priest, and parish. The obligation of parish priests. Vol. 4, No. 357. The parish priest with regard to residence. Ibid. and Vol. 5, No. 423. (See also Residence.) The parish priest is bound to celebrate Mass for the people. Vol. 4, No. 359. He is bound to preach and instruct. No. 269 and 270. He is bound to correct. No. 360. He is to inquire into the morals of his parishioners. Ibid. See Question II. He must not abandon his flock. Ibid. Question III. Can a parish priest dispense with labor on feast days? Vol. 4, No. 288. Can he dispense with labor during fasts? No. 4032. See 3. Is a religious person appointed to a parish bound by vows and rules? Vol. 5, No. 4. Can parish priests become religious against the will of the Bishop? No. 74. The Bishop choosing a less worthy person for a parish. No. 92. The parish priest is bound to personally perform the principal duties. Vol. 5, No. 427. Question 3. See Hence. Are parish priests who teach excused from residence? Vol. 5, No. 432. See Whether. Are students excused? Ibid. See Same. From which parish priest are the Sacraments to be received? Vol. 6, No. 415. See But here. The parish priest assisting at a marriage in mortal sin. Vol. 6, No. 40. Can he assist if the contracting parties are public sinners? No. 54. He is bound to inquire into impediments. Ibid. See Certain. When is he bound to administer the Sacraments? No. 58. He is bound to examine midwives. No. 447. See Regarding. What is he bound to warn after Baptism? No. 460. He sins thankfully if he baptizes without the mother present. No. 459. During a plague, is he bound to administer the Eucharist? No. 233. Is he bound to administer Penance? Ibid. Is he bound to remain? Ibid. See Then. How often is he bound to celebrate Mass in a year? No. 343. See Parish Priest. How often for the people? No. 324. See Question II. What if he does

Translated by churchlatin.ai, a product of Boyne Archives

not have a suitable church? No. 325. Is he bound to celebrate daily? Ibid. See And although. What if alms are offered on a feast day? Ibid. See Also. Can a parish priest, with the permission of the parish priest of the place, hear confessions? No. 544. See Here. Can he choose a confessor for himself? No. 565. See Whether. Or, by the name of his own priest who comes. Vol. 6, No. 564 and Vol. 7, No. 70 and No. 92. Can the parishioners confess to others without the consent of the parish priest? No. 564. See By concession. Can the parish priest forbid this? Ibid. and No. 574. During Easter, they must not confess to religious. Ibid. Can a parish priest be chosen as the confessor of nuns? No. 577. See Note 3. What should a parish priest do if he finds that the bridegroom is subject to an impediment, and everything is prepared? No. 643. When is he bound to hear the confession of a parishioner? No. 623. See Response 2. Is he bound to administer Extreme Unction? No. 729. And can he keep the sacred oil at home? No. 730. Can a parish priest be examined?

[*Latin ed. p. 534*]

To a new Bishop? n. 792. c. 2. Can a parish priest become a religious, against the will of the Bishop? n. 828. Can a parish priest omit announcements, if he knows there is no impediment? l. 6. n. 990. What must be done when an impediment is known? n. 1000. What if only he knows? n. 1002. Can he, at times, dispense in these announcements, or at least declare [his intention]? l. 6. n. 4007. Dub. 2. If a parish priest is not available in a certain place, can marriage be contracted? n. 4079. Do laypersons validly marry without a parish priest? n. 4080. Who may act in the place of a parish priest? n. 1081. Can a parish priest be excommunicated, or irregular? n. 4082. Does he sin gravely by assisting at a marriage while excommunicated? n. 4083. Can he, at least, give another person permission to assist? n. 1084. Is the presumed permission of the parish priest sufficient? n. 1088. Can the parish priest assist at the marriage of either of the parties? n. 1087. Do the parties validly marry before a parish priest who is unwilling? n. 1092. Is it licit? n. 1093. How does the parish priest sin if he does not ask for consent, or if he omits to say, "I join you"? n. 1094. Is the assistance of a parish priest required for the renewal of a marriage that was null? n. 1410. Concerning negligent parish priests, who should be questioned by the confessor. See Præc. Confess. n. 52. Pars. The parts of the Mass are omitted. l. 6. n. 403. When is a person bound to make restitution for participating in the Mass? l. 4. n. 574. Parturition. Are women excused from the precept of attending Mass because of childbirth? l. 4. n. 330. Is it permissible to demand payment during childbirth? l. 6. n. 920. Should it be repaid? n. 951. Is the wife bound to repay, if she is in danger of death during childbirth, or if she is accustomed to burying her stillborn children? n. 953. Parvitas materiæ (Smallness of matter), see v. Materiæ Parvitas. Smallness of matter in reciting the Mass before dawn, or after midday.

Translated by churchlatin.ai, a product of Boyne Archives

lib. 6. n. 346. Smallness of matter in conversation with nuns. l. 7. n. 236. Paschalis Communio (Communion on Easter). See Communio. Can hosts be prepared on feast days? l. 4. n. 298. Pastor (Shepherd), see v. Episcopus, and Parochus. Father, and Parent. Do parents, by their vows, harm the legitimate rights of their children? l. 4. n. 215. What vows can parents make that will invalidate the rights of their children? n. 229. c. Clarius. The obligation of parents towards their children. n. 336. The Neapolitan law concerning the support of children. n. 338. When can parents disinherit their children? l. 4. n. 344. and n. 948. and 949. Is the father's secret will valid against the rights of his children? n. 630. A donation between a father and son. l. 4. n. 724. What is a father to give to his illegitimate son? n. 951. What if he leaves property to another, in order that it may be given to the illegitimate son? n. 952. In what necessity are parents forbidden from allowing their children to enter religion? l. 5. n. 66. And are children bound to leave to support their parents? n. 67. Can they enter religion against the will, or without the knowledge, of their parents? n. 68. Can parents enter religion, leaving their children in need? n. 69. Parents dissuading their children from religion. n. 77. A father having his son baptized by a preacher. l. 6. n. 447.

[*Latin ed. p. 535*]

Q. 5. Do parents who baptize or receive baptism for their children incur an impediment? No. 450. Are parents obligated to assign property to their children? No. 849. Do parents enter into betrothals for their children who are silent? No. 838. What if the children are absent? No. 839. See Question 2. Are betrothals dissolved by the dissent of the parents? No. 877. Do parents force their daughters to enter a monastery or prevent them from entering? Book 7, No. 212. A father striking a cleric son. No. 275. See at the end, "Patrimony." Are those absent from their homeland obligated to observe its laws? Book 4, No. 457. Is fasting prescribed in the homeland? Book 4, No. 456, and Book 4, No. 1050. Is the patrimony of a cleric to be divided among his brothers? Book 4, No. 956. Regarding the patrimony, its order. Book 6, No. 847. Are parents obligated to assign property? No. 849. What is a godfather in baptism, and what is his office? Book 6, No. 446. In confirmation. No. 485. Can there be multiple godparents, and can they be unconfirmed? Ibid., No. 1. And does an unconfirmed person incur a relationship (cognation)? No. 486. Question 2. Can religious persons be godparents? No. 487. Parents receiving, or baptizing, their children? Book 6, No. 450. Patron, see "Presentation." Poor, and Poverty. The poor in common need. Book 3, No. 32. A poor person denying that he has anything, with equivocation. Book 4, No. 458. To labor to assist the poor. No. 293. The poor wearing fine clothes on feast days. No. 297. Those who come in the name of the poor when distributing the fruits of a benefice. Book 4, No. 494. See Question II. Are the poor of the locality then to be preferred? Ibid., Question III. A poor person extremely needy, if he receives before

Translated by churchlatin.ai, a product of Boyne Archives

asking? Book 4, No. 520. See Question II. What if he receives an item of great value? Question III. Can thefts of uncertain amount be distributed to the poor? Book 4, No. 595. Concerning one who pretends to be poor. No. 622. A poor person consuming something in extreme necessity. No. 623. What if he consumes something borrowed? No. 624. A poor person obtaining the right to beg. Book 4, No. 864. How is a legacy left to the poor to be distributed? Book 4, No. 930. Question 10. When are the poor excused from abstinence from meat? Book 4, No. 1008. When from fasting? No. 1033. See No. 2. Only to the poor should the fruits from beneficiaries not residing there be restored. Book 5, No. 428. Advocates whom the poor are obligated to support. No. 221. See also "Necessity." Regarding the vow of poverty, to what are religious persons obligated? Book 5, No. 14. What does not contradict the vow of poverty? No. 16. Can the vow of poverty be abrogated by custom? No. 35. See also No. 14. The poor, or those seeking alms, can they speak with nuns? Book 7, No. 239, at the end. Concerning the title of poverty with regard to orders. Book 6, No. 814. Are the poor and religious persons obligated to almsgiving in the Jubilee year? No. 538. Question here, No. 4. A sinner publicly requesting the sacraments. Book 6, No. 44, and No. 45. If his sin is known to many of those present. No. 45. If the crime is public in another place. No. 46. Can a public sinner who has already confessed?

[*Latin ed. p. 536*]

Regarding the Eucharist:

47. If a crime, or if penance is doubtful.

48. Can the Sacrament be given to a sinner out of fear of death?

49. If a sinner asks secretly.

50. If publicly.

51. How are the remains of sinners to be treated?

70. If a spouse leads the other into sin.

973. For what sins are censures incurred?

Book 7, section 29. Is a light suspension or interdict sufficient for a venial sin?

Sections 30 and 34. Is a censure incurred for a sin already committed?

Sections 49 and 54. Can a Bishop impose a censure for a future crime?

Book 2, section 1. What is sin, and what conditions are required for it?

Section 53. On philosophical sin.

Section 44. Here, however. What is mortal sin, and what is venial sin?

Section 51. Mortal sin by itself and accidentally.

Section 52. A warning for those who easily condemn others for mortal sin.

Section 54. How does a venial sin become mortal?

Translated by churchlatin.ai, a product of Boyne Archives

Section 59. How does a venial sin become mortal?

Book 2, section 40. How are sins distinguished by species?

Sections 35 and 45. How are sins distinguished by number?

Section 273, Book 4. Is it a double sin to sin on a feast day?

Section 178, Book 5. Is it mortal to recite the Office when in a state of mortal sin?

Book 3, section 55. See. How do women sin by showing their breasts?

Section 423, Book 4. Is it mortal to look at a woman's breasts?

Book 1, section 488. What is the extent of a family's property?

I. Military property.

II. Quasi-military property, ibid.

III. Profectum property. ibid.

Is profectum property the profit earned by a son from his father's assets? ibid.

Can a son demand a salary for working on his father's estate? ibid.

Dub. 2.

IV. Adventum property. ibid.

When does a son acquire the usufruct of adventum property? ibid.

Can religious persons have property? Book 5, section 15.

Book 4, section 467. Asserting equivocally that he received money.

Section 785. To what is one held accountable for giving money to a usurer?

Section 786. What is the ownership of something bought with another's money?

Section 799. Spending adulterous money.

Section 856. A servant exchanging his master's money.

Section 1430, end. Providing money for alms is a just cause for dispensation. Book 6.

Pension and Pensioner. What is a pension, and how much is it? Book 5, section 437.

From whom, and how much of a pension can be designated? Book 4, section 73 and Book 5, section 438.

Can a pensioner freely dispose of his pension? Book 4, section 491, Question 6, and Book 5, section 139.

Simoniacal pension. Book 4, sections 58, 73 and following.

Does one incur penalties for selling a pension? Book 4, section 412.

Is a pensioner obligated to give superflua for pious uses? Book 4, section 491, Question 6.

Book 6, section 376. See. What was St. Paul's penula?

Translated by churchlatin.ai, a product of Boyne Archives

Section 502, Book 4. Perceptio. How is ownership acquired through the perception of fruits?

Percussion, Percussor, and to Percute. Regarding excommunication for the assault of a cleric, see Book 7, section 274.

Is a grave fault and a gravely external act required for it? Section 273.

What is meant by "manuum in-"?

[*Latin ed. p. 537*]

Rejection [of a person]. No. 272 and following. Does poison constitute a wound in a cleric? No. 280. Question 2. If a cleric consents to the blow. No. 274, ad V. If he strikes himself, ad VI. One who strikes playfully or accidentally. No. 275, ad II. Clerics striking each other. Ibid. One striking in defense. Ibid. Through ignorance, or sudden anger. Ibid, ad IV. What if the ignorance is grave? Ibid. Question 2. One striking a cleric for another. Question 3. A teacher or father striking. Ibid, ad V. If a cleric solicits a female relative. Ibid, ad VI. Which blows are considered light, which are grave, and which are enormous? No. 277 and 278. In case of doubt, it is judged to be grave. No. 280. Can Bishops absolve from this? No. 276 and No. 279. Can religious do so? Ibid, and No. 407. A pilgrim. Is a pilgrim bound by the laws of the place where he is? Book 4, No. 456. By the laws of his homeland? No. 457. Can a pilgrim receive a dispensation from the local Bishop regarding laws and vows? No. 458, and Book 4, No. 332. Are pilgrims and vagrants bound by the precepts of the places where they reside? Book 4, No. 459 and 460, and Book 4, No. 332, at the end. Are they bound by the precepts of common law, if these are not customary there? No. 464. When are pilgrims excused from fasting when traveling to holy places? Book 4, No. 1049, v. 2. They are excused. Are they bound by the fasts of the place where they are? Book 4, No. 453, v. For the greater [fast]. A pilgrim and a child born to him who must be baptized. Book 6, No. 445. Where should he receive Holy Communion on Easter? No. 240, v. 9. From whom can he receive absolution? No. 569. What if he has a reserved penance in both dioceses? Book 6, No. 587. What if the sin is reserved only in that diocese? No. 588. What if only in his homeland? No. 589. What if he leaves to avoid [penance]? Ibid, v. How? What if he has a penance reserved in his homeland? No. 590. One who sins in a foreign diocese incurs the reservation of the penance, but not the annexed excommunication. No. 591. Can a Bishop absolve pilgrims from Papal penalties and grant dispensations, etc.? No. 593. Can pilgrims validly enter into marriage without a priest? No. 4080. How should they proceed? No. 1094. Are they subject to the censures of the place? Book 7, No. 47. Are they permitted to speak with nuns? No. 242. Perfection. Religious are bound to strive for perfection. Book 5, No. 9. When do they sin gravely against this obligation? No. 40. What if someone wants to observe only the grave precepts? No. 41. Peril. Regarding the title of peril in contracts. Book 4, No. 765. In sales. No. 810, v. By reason. The

Translated by churchlatin.ai, a product of Boyne Archives

peril of sinning for the sake of charity. Book 3, No. 26, at the end, and Book 2, No. 63. Is it permissible to administer the Sacrament in mortal danger even if only in one species? Book 6, No. 33. Is it permissible to baptize with doubtful matter? No. 103, at the end, v. III. In the womb of the mother? No. 407. Only on the head, with the body emerging from the womb? Ibid, v. Here, however. On the hair, or clothing? Ibid, Qu. III. On the shoulders, or chest? Qu. IV. In mortal danger, the children of unbelievers are to be baptized. No. 429. Baptism under a condition. No. 134. Do parents who baptize at that time incur any impediment to petitioning [for something]? No. 450. Is it permissible to celebrate Holy Communion in one species for those given Viaticum? No. 456.

[*Latin ed. p. 538*]

See also: Viaticum. Whether, out of fear of death, it is permissible to celebrate [Mass] without vestments? Nos. 289 and 377. Doubt 2. Whether it is permissible to receive Holy Communion without confession? No. 260. What if, after administering the Viaticum, the confession of the sick person cannot be completed? Ibid., at the end of No. 2. In the danger of scandal, is it permissible to receive Holy Communion before confession? No. 260, at the end of No. 2, and No. 263. When is one considered to be in imminent danger of death? See: Moribundus. If someone is in probable danger of sinning. Nos. 453. One thing is formal danger, another is material danger. No. 452. See: Periculum autem. Can all priests absolve in the danger of death? Book 6, No. 564. What is considered to be the danger of death? Ibid. Are heretics to be avoided? No. 560. See: Qu. 4. Is [an absolution] given in the presence of an approver? No. 562. Can any confessor, if present, grant a dispensation in reserved matters? No. 563. Doubt 1. Can [a dispensation] be granted by the Pope, in the presence of a Bishop? Ibid. Doubt II. Is it possible to request a dispensation by letter? Doubt III. Permutation, and to permute. To permute benefices. Book 4, Nos. 73-76, and Book 5, No. 436. To permute an office. Book 5, No. 164. Qu. III. What if one is in conformity with a privileged [institution]? Ibid. Qu. IV. What should a perplexed person do? Book 4, No. 40. The vow of perseverance, or oath in congregations, cannot be dispensed by Bishops. Book 4, No. 255. See: Notandum 3. What is a personal [obligation]? Book 5, No. 446. A peruke, or a false hairpiece, in the celebration of Mass. Book 6, No. 398. Feet. It is not permissible to celebrate [Mass] with bare feet. Book 6, No. 402. At least one must use shoes. Ibid. Is it permissible to celebrate with a wooden foot? Book 7, No. 407. During a plague, to what are priests bound? Book 3, No. 27. See: An autem. To what are pastors bound? Book 4, No. 358. Concerning a will during a plague. No. 926. During a plague, is a pastor bound to administer the Eucharist, Penance, etc.? Book 6, No. 233. Is he bound to remain [in the parish]? Ibid. See: Deinde. Is the Bishop bound to remain [in the diocese] at that time? Ibid. See: Tandem. Is it permissible to give the Eucharist at

Translated by churchlatin.ai, a product of Boyne Archives

that time by means of an instrument? No. 244. See: 6. Requesting an oath from a perjurer. Book 3, No. 77, and Book 4, No. 450. Requesting a loan from a usurer. Book 3, No. 47. See: Si autem, and No. 77. See: 4. Requesting the Sacrament from a sinner, or from an excommunicated person. Book 3, No. 47. See: Si, and No. 79. To request. Is a man ever bound to request a debt? Book 6, No. 928. Is a woman ever bound? No. 929. Can a spouse bound by a vow, etc., ever request [something]? No. 930. Is it permissible to request from an excommunicated person? No. 934. Is the debt to be returned to a spouse who is illicitly requesting [something]? Nos. 943-947. If [the request] is made in an unnatural manner. No. 952. See: 3. Must legates subject to censures request absolution? Book 7, No. 430. To what is a pharmacist bound? Book 5, No. 294. See: 2. He cannot request anything from the principal after two years, and from the heir after two months. Book 4, No. 516. What questions should a pharmacist ask? In Prax. Confess. No. 58. Should Extreme Unction be given to a lunatic? Book 6, No. 732.

[*Latin ed. p. 539*]

Physiognomy, what it is. Book 4, chapter 8, verse 8. Painting. Regarding the viewing of indecent paintings. Book 4, chapter 424. Whether paintings are proper for religious persons. Book 5, chapter 14, verse. This is questioned. When does piety excuse one from labor? Book 4, number 294. When from fasting. Number 1048. What if someone voluntarily undertakes burdensome tasks? Ibid. verse. But this is doubtful. Pledge. The fruits of a pledge must be restored. Book 4, number 776. What if a pledge is given for a dowry? Ibid. verse. This is excepted. Concerning the contract of a pledge. Number 943. Using a pledge. Number 914. What may be pledged. Number 915. Is it permissible to wear a skullcap in Mass? Book 6, number 396 and 397. And who can grant permission? Ibid. verse. They say. To paint, and a painter. Painting on feast days. Book 4, number 280. To retract, and to delineate. Number 281. Painting indecent things. Book 3, number 56. Are painters excused from fasting? Book 4, number 1034, verse 3. The reason. See pyromancy, Book 4, number 6, verse. Divination. Fishing on feast days. Book 4, number 283. Fish are forbidden to those dispensed from eating meat. Book 4, number 1045. Are fish forbidden in a collation? Book 4, number 1028. Planting. Ownership is acquired through planting. Book 4, number 504. A plurality of benefices is forbidden. Book 5, number 445 and number 447. Causes of impediment. Number 418. A person suffering from gout may be carried to the altar to celebrate Mass. Book 6, number 244, verse 6. Penalty. Penalties for simony, see Book 4, number 105. Penalties for simony, confidential. Book 4, number 85. For ordination through simony. Number 409 and 440. For the simoniacal collation of a benefice. Number 444 and following. Does the penal law obligate to guilt? Book 4, number 145. A law under penalty of suspension. Number 146. A law assigning a penalty, and prescribing. Number 147. Is a penalty incurred

Translated by churchlatin.ai, a product of Boyne Archives

before a sentence? Book 4, number 448. A positive penalty, and one that is inhibiting. Number 149. Penalties for those who command murder through assassins. Book 4, number 363. Penalties for one who procures an abortion. Number 395. Does the mother who procures an abortion incur the penalty of excommunication? Ibid. Question. See. What is the case in doubt concerning animation? Number 396. Who can relax these penalties? Number 397. Penalties imposed by a duel. Book 4, number 404. Penalties for concubinaries. Number 442. For clerics who are concubinaries. Ibid. verse. Utrium. Penalties for sodomites. Book 4, number 470. See also sodomy. Preventing the application of a penalty to the treasury. Book 4, number 583 and Book 5, number 237. Penalties for usurers. Book 4, number 792. For those who alienate ecclesiastical goods. Book 5, number 587, note I. Beneficiaries neglecting their duties. Book 4, number 663 and following. For pastors who do not reside. Book 4, number 449 and Book 5, number 426 to 428. For canons who do not reside. Number 429. Can an inferior judge relax penalties? Book 5, number 205. What if he is the supreme judge? Ibid. verse. Penalties for a judge who unjustly judges for rewards. Number 213. Is the accused bound to confess, fearing a great penalty? Book 5, number 274.

[*Latin ed. p. 540*]

Penalties for those who are rebaptized. Book 6, paragraph 422. Concerning the precept of annual Communion. Number 295. See: The Precept. Or, the precept of confession. Number 674. Penalties for those who are troubled (i.e., in sin). Paragraph 705. Whether the penalty is positive or privative. Ibid. (See Book 7, number 148.) Penalties for those who are ordained by a religious order, if not ordained by the local Bishop. Paragraph 768. Penalties for those who are improperly promoted (in ecclesiastical rank). Number 793. For those who are ordained by a foreign prelate. Paragraph 769. For those who are ordained before the proper age. Paragraph 799. For those who break their betrothal. Paragraph 853. For those who contract marriage with an impediment of consanguinity or affinity. Number 1077. For excommunicated persons who administer the Sacraments. Book 7, number 474. Whether there is a penalty for those who receive the Sacraments. Paragraph 472. Whether knowledge of the penalty is required for irregularity. Paragraph 351. Whether the penitent is bound to follow the opinion of the confessor. Book 6, paragraph 604. Penance, if it is probably fulfilled. Book 4, paragraph 29. Whether the Sacrament of Penance can be administered at home, or in private oratories. Book 6, paragraph 359. See: Questions. The matter and form of this Sacrament. Number 425. Whether sins confessed previously are sufficient. Paragraph 427. Doubt 2. The essential words of the form. Paragraph 430. Doubt 4, sections 2 and 3. Whether the words "I absolve you" can refer to sins and censures. Doubt 4. Absolution under a condition. Numbers 431 and 432. Whether this Sacrament can be

Translated by churchlatin.ai, a product of Boyne Archives

valid and informal. Paragraph 444. See: Satisfaction. Concerning those in whom impediments to marriage can be dispensed. Book 6, number 1444. The faculties of the Holy Penitentiary. Concerning irregularities, incapacities, censures, vows, etc. Book 7, number 470. Clauses commonly found in dispensations from the Holy Penitentiary concerning impediments to marriage. Book 6, number 1443. What must be explained when a dispensation is requested. Paragraph 1446. The formula for obtaining dispensations concerning impediments to marriage. Paragraph 1447. Other formulas concerning irregularities, vows, etc. See in Practice of Confessors, number 87. Whether the Penitentiaries of Cathedrals can, by ordinary right, absolve from reserved matters. Book 6, paragraph 599. See: Penitentiaries. When a Penitentiary is excused from the choir. Book 5, paragraph 434. See: By no means. Whether a person lacking a thumb can administer the Eucharist. Book 6, paragraph 244. Whether they can celebrate Mass. Ibid. Whether it is irregular. Book 7, number 408. Pollution and to pollute. Book 4, Doubt 4. Pollution from touching a boy. Book 4, number 467. From touching a woman. Ibid. Whether it is permissible for a wife to pollute herself, if her husband withdraws after copulation. Book 6, paragraph 949. Whether contacts between spouses are mortal sins. Number 933. What if there is a danger of pollution. Numbers 934 and 935. What if a spouse touches himself. Number 936. The Pope. See: Pontiff. Pontifical Responses, or declarations or letters, how and when they are binding. Book 4, number 406, and Book 4, number 4027. Hence we say. Pontifical matters. Whether a Chapter, when the See is vacant, can grant permission to a foreign Bishop to exercise pontifical functions. Book 6, number 788. See: Although.

[*Latin ed. p. 541*]

The Bishop, if he exercises pontifical functions from which he is suspended, l. 7, n. 341. Question 2: What if he celebrates solemnly? Ibid., v. If, however... Possession. Continuous possession for prescription. l. 4, n. 506. Can vexation concerning the possession of a benefice be redeemed? l. 4, n. 99. The possessor, in doubt about his right. l. 1, n. 35 and 36. Negligence in inquiring about the owner. n. 37. Certain goods to which restitution must be made, to the possessor or the owner. l. 4, n. 596 and n. 599. To what is a good-faith possessor bound? n. 607. To what is a bad-faith possessor bound? n. 614. Returning a consumable item received from a thief. n. 608. What fruits is a good-faith possessor bound to return? n. 640. What if you receive an item mixed with the thief's goods? n. 614. A good-faith possessor, in doubt whether he has become richer? l. 4, n. 706. Drinking wine during fasting. l. 4, n. 4022. Drinking beer and lemonade. Ibid., v. Question 11. Drinking chocolate. n. 1023. Prebends to be returned by canons who are absent or do not chant. l. 4, n. 675. See also, v. Benefice. Prebendary, see Canon. Precept. Natural laws are of three kinds. l. 1, n. 169 and following. Innocent ignorance concerning natural laws. Ibid. Concerning contradictory laws,

Translated by churchlatin.ai, a product of Boyne Archives

what is to be done? n. 10. Do sins differ in species because of the diversity of laws? l. 2, no. 33. Is the precept of observing feasts natural or ecclesiastical? l. 4, n. 263. Does the precept of testimonies require internal worship; and is this precept affirmative or negative? n. 264. See also, v. Law. Precept of Communion during Easter. l. 6, n. 294. In danger of life, n. 291. What if there is danger of vomiting, or in a delirium? n. 292. See also, v. Communion. The precept of annual confession: who and when is it binding? No. 662. Does a precept imposed under a censure bind under a grave censure? l. 7, n. 33. When are pregnant women excused from attending Mass? l. 4, n. 330. Do pregnant women who procure an abortion incur excommunication? n. 395. Question V. Prelate. Is he ever bound to correct minor defects under a grave censure? l. 5, n. 43. A prelate negligent in having the office recited in the choir. n. 143. Note 2. Obedience is due to a prelate, if it is not certain that the matter is illicit. l. 1, n. 34 and l. 5, n. 47. What if a subject has a probability that he is not bound? Book 5, n. 47. v. Limitations. A prelate is bound to inquire into the morals of his subjects. l. 4, n. 360. v. Question 2. Can a crime be reported to a prelate as to a father, without prior correction? l. 5, n. 243 to 245. Regular prelates have quasi-episcopal jurisdiction over their own; what jurisdiction do they have over secular subjects? l. 6, no. 593. v. Ibid. Can they impose censures? l. 7, n. 10 to III. See also, v. Mendicants and Regulars. Prescription, and to prescribe. Ownership is acquired by prescription, Volume VI.

[*Latin ed. p. 542*]

But there are four conditions, namely: 1. Good faith. Law 4, paragraph 504. Title. Paragraph 505. 3. Continued possession. Number 506. The time required to prescribe both movable and immovable property. Paragraphs 506-508 and following. Debts arising from movable property, and benefits. Paragraph 507. 4. It is required that the thing be suitable for prescription. Paragraph 515. How prescription is interrupted. Paragraph 511. Are the laws of the Church prescribed by a period of ten years? Law 4, paragraph 439. How is a prescription of 30 years admitted in Naples, based on presumed payment? Law 4, paragraph 516. Lawyers, procurators, and notaries cannot claim anything in Naples after two years. Ibid. Pharmacists after two years against the principal, after two months against the heir; craftsmen after one year: servants after two months. Ibid. Can a thing acquired by prescription be retained in conscience? Paragraph 517. Can prescription be granted regarding the obligations of masses, and conditions imposed by a testator? Law 6, paragraph 329. Presentation, and to present. Benefits are acquired by presentation. Law 5, paragraph 85. When is the patron obligated to present? Paragraph 88. Does the time for presentation run during a lawsuit? Paragraph 89. What if many present themselves? Paragraph 90. Does presenting oneself, when one is less worthy, constitute a sin for the purpose of attaining the cardinalate or episcopate? Law 5, paragraph 94. Regarding

Translated by churchlatin.ai, a product of Boyne Archives

parishes. Paragraph 92. Regarding simple benefits? Paragraph 97. Is someone absolved from a papal censure obligated to present himself to the Pope? Law 7, paragraphs 87 and 88. At least by letter? Number 89. Is someone absolved from an episcopal censure obligated to present himself to the bishop? Paragraph 92. The presentation of an excommunicate person. Law 7, paragraph 179. See also under the word Benefit. The presence required for the matter to be consecrated. Law 6, paragraph 244. What presence is required of the penitent in order to be absolved? Paragraph 429. What is a testimonial? Law 5, paragraph 446. Is someone holding a testimonial obligated to perform an office? Book 5, paragraph 444, section 8. They are not obligated. Presumption, and presumed. Presumption of divine mercy. Law 3, paragraph 20, section 3. Receiving something based on the presumed consent of the lord. Law 4, paragraph 700, section 4. A religious person presuming permission. Law 5, paragraph 48. The presumed consent of pastors makes the administration of Confirmation and ordination licit. Law 6, paragraph 473. Also, regarding the Eucharist. Paragraph 235. What about the Paschal Communion? Paragraph 240, section 9. Does a presumed permission grant jurisdiction to hear confessions? Paragraph 570. Disinheritance of necessary heirs. Law 4, paragraph 947. Can a meal be taken during a fast? Law 4, paragraph 1047. For how long is it interrupted? Paragraph 1020. For how long is it permissible to postpone it? Ibid. Question V. Is it permissible to use marriage after a meal? Law 6, paragraph 940, section V. It seems. What is a precarium? Law 4, paragraph 745. Prayers. Preventing someone from obtaining a benefit through prayer. Law 4, paragraph 587. Do importunate prayers constitute a serious impediment? Paragraph 747. Ibid. Preventing someone from participating in the purchase of a thing that is being sold at auction through prayer. Paragraph 808. But it is doubtful.

[*Latin ed. p. 543*]

Presbyter. See Priest. The price of a stolen item, if it increases in value. Book 4, No. 619. Stealing a lamb that will later be worth more. No. 621. What if it is stolen at a time when it is of greater value? Ibid. See. What if the price of the labor that the deceased would have expended is to be deducted? Book 4, No. 639. Can the price of a sold item be returned to the creditor of the seller? No. 685. Must the price be returned when no debt is owed by law? Book 4, No. 743. Is a determination of price required for a sale? No. 794. Is the payment of the price, or a promise of payment, required to acquire ownership of a sold item? No. 685 and 796. In how many ways can the price of an item increase or decrease? No. 804 and No. 804. The price of a luxury item. No. 802. The extent of a just price. No. 804. Note 3. Valuable items. Ibid. and No. 808. Deception in price. No. 805. Common estimation varies the price. No. 808. And so also with sales under auction, and by female vendors. Ibid. If an item is sold piece by piece. No. 809. Because of a delayed payment? No. 840. Because of the risk involved? Ibid. See. Or

Translated by churchlatin.ai, a product of Boyne Archives

because the item will be worth more in the future? Ibid. See. Certainly. If an item is sold on credit. No. 841. If there is a pact of repurchase. No. 812. Can an item be sold at its usual price, even if it will soon be worth less? No. 824. See. But concerning this. The prince concerning war. Book 4, No. 403. Can he wage war with a probable opinion? No. 404. Is it permissible for the prince to call upon Gentiles and heretics for help? No. 406. Is the prince obligated to choose the most worthy for offices? Book 4, No. 342. Is it permissible for the prince to kill those condemned by a sentence? No. 377. The prince can only legitimize secular matters. Book 7, No. 433. To deprive. Minor excommunication deprives one of the reception of the Sacraments. Book 7, No. 448 and No. 452. Also of administration? No. 149 and 452. Major excommunication deprives one of the reception of the Sacraments. No. 458. Of administration. No. 465. Of suffrage. No. 462. Of divine offices. No. 473. Of benefices. No. 479. Of communion in the forum. No. 184. Of the use of jurisdiction. No. 485. Of ecclesiastical burial. No. 486. Of communion in the civil sphere. No. 488. Privileged altar. Book 6, No. 339. Privilege, privileged. See Appendix on privileges. Where, first, privileges in general are discussed, then privileges in particular, of the Church, Bishops, and Regular clergy. There, you will find all privileges collected in one place, which are treated separately throughout the work. Privileges of the Regular clergy and nuns. Book 5, No. 60. And whether nuns enjoy the privileges of religious. Ibid. Privileges of the Regular clergy concerning divine office. No. 63. Can prelates limit their privileges? No. 64. Is it permissible in the divine office to conform oneself with a privileged cleric? No. 464. Question IV. Does one who has the privilege of an oratory have to provide a celebrant? Book 4, No. 324. See. Correctly. Privileges of the Regular clergy concerning the Mass, are they abrogated? Book 6, No. 342. Is a confessant to be chosen from among those who have the privilege? No. 545. And indeed, from

[*Latin ed. p. 544*]

To the Bishop of the Diocese. No. 547 and 548. Concerning those who possess the privilege of choosing a confessor. No. 565. Do Cardinals have this privilege for their family? Ibid. Question 2. One who absolves under the pretext of privileges is excommunicated. No. 602. See the final sentence. One who enters a monastery of nuns under the pretext of privileges. Book 7, No. 222. Question 4. A probable opinion: if someone is in a probable occasion of sin. Book 6, No. 453. Is it permissible to absolve with a probable jurisdiction? No. 574. If a penitent wishes to follow a probable opinion, is the confessor obligated to absolve him? Book 6, No. 604. See Opinion. Proof that is sufficient to validate a marriage. Book 6, No. 878. Question 2. The probity required in those who administer the Sacraments. Book 6, No. 30. Must they precede with confession? No. 34. If the minister is ordained. No. 31. If not ordained. No. 32. If they administer in a mortal and urgent necessity. No. 33. What if they do so by office, such as a parish priest, a chaplain

Translated by churchlatin.ai, a product of Boyne Archives

in hospitals, and midwives? Ibid. See Also. The probity required in those being ordained. No. 73 and No. 801, at the end. How the process should be formed. Book 5, No. 204. See Note IV. During the time of proclamations, are girls excused from Mass? Book 4, No. 330. See Denunciation. When does a procurator sin in his office? Book 5, No. 232. Concerning the salary of procurators. No. 233. The procurator concerning marriage. Book 6, No. 885 and 886. Prodigality and a Prodigal. What is prodigality? Book 2, No. 66. See 3. Does a promise of prodigality, made with an oath, obligate? Book 4, No. 185. Is it valid? No. 735. See also Book 6, No. 854. See Also. Profession and a Professed. From whom is a profession of faith to be made? Book 3, No. 44. The conditions for a religious profession. Book 5, No. 5. Is a professed in religion obligated to go out to assist his parents? No. 67. When can a professed appeal? Book 5, No. 8. How and when does a religious profession fulfill marriage obligations? Book 6, No. 870. It validates a valid marriage. No. 958. It invalidates a subsequent marriage. No. 1024 and 1025. It removes an irregularity due to a lack of birth control. Book 7, No. 354 and No. 426. Children of adulterers. Concerning the children of adulterers being sent to hospitals. Book 4, No. 656. If the child is born to the donor, etc. No. 739. If, due to the multitude of children, a debt can be denied. Book 6, No. 944. If it must be returned with damage to the children. No. 954. Promise and a Promissor. Does a simple promise obligate under a grave penalty? Book 4, No. 720. A promise if it is made with harmful intent, or if a change occurs. Ibid. See Note. A promise not confirmed by an oath. Book 4, No. 177. Is an implicit promise sufficient for a vow? No. 200. Is it simony to promise clemency for a benefit? Book 4, No. 66. A suitor with a true promise of marriage. Book 4, No. 642. See Question 1. With a false promise. Ibid. What if the woman is corrupted? No. 646. A prodigal promise. See Prodigality. A gratuitous promise to say Mass, does it obligate under a grave penalty? Book 6.

[*Latin ed. p. 545*]

345. and 347. Q. IV. The promise of marriage. Book 6, no. 834. The promise if the Pope grants a dispensation. No. 843. Does a fictitious promise made to an adulteress create an impediment? No. 1039. Is a conditional promise valid? No. 1040. Is a mutual promise required? No. 1041. A promise of marriage made while a spouse is living is illicit. No. 1043. A judge's promise to free an accused person, if he takes his daughter as wife. Nos. 1050-1053. The promulgation of a law. Book 4, nos. 95 and 96. The declaration required in office. Book 5, nos. 462 and 464. Does the person making the declaration satisfy the requirement if he does not hear himself? No. 463. Does a person satisfy the requirement by making the declaration submissively in a choir? Book 4, no. 675. See Doubt 4. Relatives. Can a beneficiary give superfluous things to needy relatives? Book 4, no. 491. Q. II. Is there an obligation to leave goods to relatives? No. 946. Are

Translated by churchlatin.ai, a product of Boyne Archives

heretical relatives to be denounced? Book 5, no. 250. Propolation, see Proclamation. A heretical proposition is introduced through negligence. Book 5, no. 254. See Note II. Intention differs from a vow. Book 4, no. 499. A bad intention is interrupted by a long period of time. Book 2, no. 39. Is a virtual intention sufficient? Book 6, no. 450. The intention must be firm, universal, and efficacious. No. 454. If someone is certainly convinced that he will relapse. Ibid. See also here. What if an opportunity arises? No. 452. See Opportunity. Property, see Poverty. Is it permissible for anyone to kill those who have been outlawed? Book 4, no. 376. Is it permissible for those who have been outlawed to defend themselves with arms? No. 380. See also 4. No. A bishop's protest against ordaining the unworthy. Book 6, no. 784. See Query. A protest to be made by clerics in a case of death. Book 7, nos. 467 and 468, to III. Is a person who provokes a duel obligated to make restitution? Book 4, no. 638. A person who provokes someone to drunkenness, so that the other is prevented from a greater evil. Book 2, no. 77. See Query. Procuress, see Book 4, no. 808. Questions to be asked of a procurer. Praxis Confess. no. 61. Prudence necessary in the confessional. Book 6, no. 629. Regarding the election of opinions, see Praxis Confess. nos. 444 and 445. Regarding the correction of errors in administration, ibid. no. 446. Regarding the seal, nos. 447 and 448. Regarding the acceptance of confessions from women, nos. 449 and 420. Puberty and adolescence, see Impuberty. Public, see Occult. A girl permitting herself to be touched. Book 4, no. 430. Is a girl who is oppressed obligated to cry out? Ibid. See also Whether. Are pregnant girls excused from Mass? Book 5, no. 330. During the time of proclamations? Ibid. If they know that they are lustfully desiring? No. 334. A girl receiving the religious habit. Book 5, no. 5. See Regarding Nuns. Can a girl who is oppressed immediately expel the semen?

[*Latin ed. p. 546*]

1. 6. n. 954. v. Regarding a girl to whom a guardian has been appointed so that she may marry, if she marries another, what is the situation? n. 853. Qu. IV. If it is so that she should not marry. Ibid. Qu. V. A girl detained in a convent, before whom a priest should celebrate the marriage. n. 1094. A girl striking a cleric who is soliciting her. Book 7. n. 275. at the end. Concerning children. Can the Eucharist be given to children before the use of reason? Book 6. n. 246. Can it be given as viaticum? n. 293. and n. 304. Dub. 2. Should it be given immediately after the use of reason during Easter? n. 304. v. But it is questioned. At what age? Ibid. v. But here. Should Extreme Unction be given to children? n. 747. to 720. And before the use of reason? n. 719. If a child is ordained before the use of reason, or before puberty. n. 840. How should children be examined in confession? See in *Praxis Confess.* n. 90. How should they be absolved? n. 94. When are children bound by ecclesiastical precepts? Book 4. n. 453. When are they bound to

Translated by churchlatin.ai, a product of Boyne Archives

observe feasts? Book 4. n. 270. Before the age of seven? Ibid. But see the more probable opinion. Book 4. n. 455. v. Question at the end, and Book 4. n. 1042. When may meat be served to children? Ibid. n. 1042. A woman in childbirth is excused from fasting. Book 4. n. 1033. Is she excused from Mass? Book 4. n. 330. v. Very well. Sympathetic Powder. Book 4. n. 20. v. But is it necessary? Is a small cloth required on the altar? Book 6. n. 395. Can a ward bind himself without the consent of the guardian? Book 4. n. 948. v. 6. Regarding a ward. The purifier should be made of linen, and should it be blessed? Book 6. n. 389. What is timidity? Book 2. n. 67. Should the pyx be blessed or consecrated? Book 6. n. 383. to 385. If the pyx, which is to be consecrated, is placed outside the corporal. n. 247. How should the pyx be exposed, and can it be taken out of the tabernacle? Book 6. n. 424. near the end v. Here also, regarding LENT. Regarding abstinence from dairy products during Lent, see *Lacticinia*. May those who are inquiring speak with nuns? Book 7. n. 239. at the end. Regarding quantity, see *Parva materia*. Is a quinquagenarian woman excused from fasting? Book 4. n. 1037. Daily Communion. Book 6. n. 254. And more fully in *Praxis Confess.* n. 452.

[*Latin ed. p. 547*]

R.R. De restitutione, lib. 4, n. 548. De radicibus distinctionis specificæ peccatorum, lib. 2, n. 30. De distinctionibus numericis, n. 35 et n. 45.

De rapina, raptore, et raptu. Quid est rapina? lib. 4, n. 548. Num licet occidere raptorem rei? n. 385, v. Qu. 2. Ad quid tenetur raptor feminae? n. 444. Quo crimine rapina dissolvit matrimonium? lib. 6, n. 1032 et n. 4406, et seq.

Raptatores mulierum excommunicantur, lib. 7, n. 212, ad 3.

Ratihabentes percussionem clerici excommunicantur, lib. 7, n. 267.

Ratihabentes homicidium incurrunt irregularitatem? n. 375.

Matrimonium legitime contrahitum dissolvitur per professionem religiosam, lib. 6, n. 958. Num in hoc casu Papa potest dispensare? n. 959.

Matrimonia infidelium sunt vera, sed non rata, unde possunt dissolvi, n. 897, v. Prob. 1.

Rebaptizans, quam poenam incurrat, lib. 6, n. 122.

Receptans, vide Recursus.

Recidivus, num potest statim absolvi? lib. 6, n. 459 et seq. Et in Praxi Confess., n. 70 et seq.

Recitare Officium in mortali, lib. 5, n. 478. Vide alia v. Horæ Canonicæ.

Reclamatio contra professionem, lib. 5, n. 8.

Recursus. Præbens recursionem, quando tenetur restituere, lib. 4, n. 568.

Reductio missarum, à quo facienda, lib. 6, n. 331. Et ob quam causam, ib. v. Causæ.

Translated by churchlatin.ai, a product of Boyne Archives

Num potest fieri ab Episcopo, vel à capellano? ibid. v. Dub. 1 et Dub. 2.

Quid si capitale maneat otiosum? n. 324, v. Hic autem.

Referentes, ad quid teneantur, lib. 5, n. 227.

Quando peccant? n. 228.

Regnum. In regnis Siciliae, in quibus festis permittuntur opera servilia, lib. 4, n. 268, v. Hic.

Regula. Num teneantur ad regulam religiosus, Cardinalis, vel Episcopus? lib. 5, n. 3.

Num teneantur religiosi obedire in iis, quæ sunt contra vel supra regulam? n. 40.

Regula obligans sub peccato, n. 41.

Regula non obligans ad culpam, n. 42.

Num sit obediendum prælato reformati regulam? n. 44.

Regulares, quando possunt ministrare Eucharistiam, lib. 6, n. 240.

Num in Paschate? n. 239 et n. 240, v. 5.

Num teneantur stare taxæ Episcopi circa missas? n. 320.

Num possint celebrare in altari portatili? n. 360.

Num approbati in una diocesi possint in alia confessiones excipere? n. 549 et n. 564.

Num possint impediri à parocho? n. 574.

Num possint confiteri aliis quam sui ordinis confessariis? ib. Quid si alibi moriantur?

[*Latin ed. p. 548*]

Or whether they should travel. No. 575. Can confessors be appointed for nuns? No. 577. See Note 3. Which cases may be reserved? No. 583. Are these subject to the Bishop's reservation? Ibid. See Here. What about novices? Ibid. What if these individuals committed reserved cases before entering? Ibid. What if the superior denies the appointed confessor the power to deal with reserved cases? No. 586. See 5. If the Superior. What if necessity arises for Communion, etc.? Ibid. The superior may deny permission for a reason. Ibid. See 6. Can abbots absolve secular subjects from papal reservations? No. 893. See the same. Can religious absolve from reservations imposed by Bishops? Book 6, No. 599. See Mendicants, and Book 7, No. 98. Can they absolve from papal reservations? Book 7, No. 96. Can they absolve from cases reserved by the Bishop by right? Book 7, No. 99. What, however, can they do regarding their own subjects? Book 7, No. 104. What if they administer Extreme Unction to laypersons without permission? Book 6, No. 722. However, they can give Viaticum to their family members. Ibid., and in necessity to others, when a priest is lacking. No. 723. From which Bishop must religious be ordained? Book 6, No. 768. From whom must they be examined? Ibid. What other penalties do they incur? Ibid., and No.

Translated by churchlatin.ai, a product of Boyne Archives

787. They must have the dismissal letters of their prelates. No. 788. Note 8. Can they be ordained outside of the proper times? No. 797. Question 3. On any double feast day? Question 4. Can they dispense in the vow of chastity taken before marriage to obtain an indulgence? Book 6, No. 987. See. Can they, however? Can it be done in a case of incest? No. 407. What can they do regarding censures? Book 7, No. 94, regarding No. 407, and No. 414. Can they absolve monks or clerics who have struck someone? No. 407. Can they dispense in irregularities, and in which cases? No. 355. Can they dispense in cases of homicide committed deliberately? No. 396. Can they dispense in cases of homicide committed through fault? No. 469, at the end. Can they dispense in cases of homicide committed through a defect of the soul? No. 400, at the end. Can they dispense in cases of homicide committed through a defect of the body? No. 444, at the end. Can they dispense in cases of homicide committed through a defect of gentleness? No. 469, see. See other, regarding Mendicants. Concerning the intercourse of religious with nuns. Book 7, No. 232, and No. 236. Are the monasteries of religious exempt places? Book 7, No. 24. See other, regarding Religious. Repeating the Sacraments under a condition. Book 6, No. 28. Relaxation of an oath. Book 4, No. 494 and 492. And can this be done by a third party, in whose favor, etc.? No. 493. Religion. Concerning simony for entry into religion. Book 4, No. 94, and 92. Penalties for simoniacal entry. No. 408. See. Regarding a certain case. Abducting a novice from religion. Book 4, No. 662. Concerning the constitution of the Council of Trent regarding renunciations of novices. No. 935. When are those excused who have taken the vow of religion? Book 5, No. 72. When is it permissible to transfer to another religious order? No. 73. Those called to religion who neglect to follow through. No. 78. Religious. What is the status of a religious? Book 5, No. 4. Requirements for profession. Question II. To what is a religious bound by the force of his profession? Question III. To what is a religious bound by the force of his vows? Question IV. To what are religious who have been expelled and who have fled bound? Question VI. Is a religious bound to obey in a doubt, whether the thing is licit? Book 4, No. 34, and Book 5, No. 47. What if there is a probable opinion that it is not...?

[*Latin ed. p. 549*]

Teneri, lib. 5, n. 47, v. Limitant. What if an opinion that prohibits [something] is only probabilistically certain? Ibid., v. Infertur II. Is it permissible for a religious [person] to kill a thief? l. 4, n. 384. And does this incur irregularity? Ibid. A religious priest who violates chastity. l. 4, n. 455. Can a religious bishop dispose [of things], etc.? l. 4, n. 492, v. An autem, and l. 5, n. 2. A religious [person] urging someone to abandon their goods to the monastery, but not to the parish church. l. 4, n. 588. Hunting is forbidden to religious [persons]. n. 606. Commerce is forbidden to religious [persons]: see v. Clericus. A religious [person] spending on frivolous things with

Translated by churchlatin.ai, a product of Boyne Archives

general permission. n. 873, and l. 5, n. 29. Can a religious [person] earn more from gambling than they lose? l. 4, n. 874. What if they bet more than they can afford? n. 875. Gambling is forbidden to religious [persons]. l. 4, n. 901. Is playing cards [allowed]? Ibid. A religious [person] assisting gamblers. n. 903. Can a religious executor apply legacies to his monastery? n. 937. Are sixty-year-old religious [persons] bound by the fasts of the rule? l. 4, n. 1036. Can sons become religious [persons] out of necessity for their parents? l. 5, n. 66. What if the parents are unaware? n. 68. Are the parents in need of their sons? n. 69. Are the brothers in need? n. 70. Are the pastors in need? n. 74. Are the clerics in need? n. 75. Are the bishops in need? n. 76. Are they burdened with debts? l. 5, n. 71. What if they have made vows? Ibid., v. Si verò. All religious [persons] are bound by the divine office. l. 5, n. 141, and 142. Religious [persons] testifying in a case concerning the monastery. n. 263. Can a prelate invalidate the vows of religious [persons]? l. 4, n. 233. Can an abbess? Ibid., and n. 239, and l. 5, n. 54. Can a cleric, even if he is a pastor, become a religious [person], contrary to the bishop? l. 6, n. 828. Can a man become a religious [person] after a divorce? n. 969. What if the divorce occurred due to the wife's cruelty? n. 974. Question 3. Can religious [persons] be godparents? n. 487. Relics. Is stealing the relics of the Saints sacrilege? l. 4, n. 45. Violating chastity by carrying relics. l. 4, n. 463, v. Non autem. Giving relics in exchange for a prostitute. Ibid. Stealing a small relic. n. 532. Are relics the property of religious [persons]? l. 5, n. 14, v. Quæritur. Do relics of food, if swallowed in the mouth, break the fast? l. 6, n. 279. Doubt 1. If relics are removed from the altar. l. 6, n. 369. Doubt 2. Remedies against scruples. l. 4, n. 42. Remedies against distractions during the office. l. 5, n. 177, v. Remedia. Against carnal impulses. l. 2, n. 8. See other v. Medicina. General remedies to be suggested to penitents, see Prax. Conf. n. 15. Particular remedies. Ibid., n. 16. Remission, and to remit. Remission of the father's death to the detriment of the sons. l. 4, n. 630. Remission of lost reputation. n. 1003, v. Quæritur. Is it permissible to show remission to an enemy instead of public vengeance? l. 3, n. 29. If a spouse remits adultery, they cannot recant. l. 6, n. 966, v. Quartus. Remission to be shown to an enemy, see Prax. Conf. n. 38. Renunciation, and to renounce. Renunciation of an inheritance. l. 4, n. 932. A Tridentine constitution invalidating the renunciations of novices. n. 935. A religious [person] renouncing something owed to them. l. 5, n. 20. Is it permissible to renounce a right?

[*Latin ed. p. 550*]

Fraternal Correction? n. 245. See Question IV. Regarding a Religious Renouncing a Benefice. l. 5. n. 20. Renunciation of a Benefice. l. 4. n. 84. See also Resignation. Is Repercussion Lawful? l. 4. n. 384. See above. It is permissible to repeat Baptism under the condition of doubt concerning the law or the fact. l. 6. n. 134 and n. 137. See 3. One is not bound to repeat

Translated by churchlatin.ai, a product of Boyne Archives

Confession unless there is proof of nullity. n. 505. Whether one who desires to change his penance must repeat Confession. n. 529. Reservation of Cases. l. 6. n. 578. See Reserved Cases. Residence. To whom are beneficiaries bound by it? l. 5. n. 420. Pastors are bound by divine law. n. 124. Residence of Bishops. n. 122 and n. 127. Residence of Parish Priests. l. 4. n. 357 and l. 5. n. 423. Do Parish Priests require written permission? Ibid. See here. Can they be absent for two months with a valid reason without permission? Ibid. Question 2. What if necessity arises? Ibid. See also. What if for a short time? Ibid. See also. Are Parish Priests and Bishops bound to reside and administer the Sacraments to their flock during a plague? l. 4. no. 360. See Question 3 and l. 6. no. 233. The place of residence of the Pope. l. 5. no. 124. Of Cardinals and Bishops. Ibid. Of Parish Priests. Ibid. See Parish Priests. Reasons excusing pastors from residence. Ibid. 5. n. 425. When are those not residing bound to restore the fruits? n. 126 and n. 127. Question 4. What if they are absent with a valid reason, but without permission? no. 127. What if without fault? Ibid. Question 2. What if they reside uselessly? Ibid. Question 3. To whom must the fruits be restored by those not residing? l. 5. no. 428. For the deceased? Ibid. Residence of Canons. no. 429. Canons who do not reside lose their distributions and prebends. Ibid. Resignation and to Resign. What and how often is resignation? l. 4. n. 84 and l. 5. n. 134. Conditional Resignation. n. 135. Are those who resign bound to choose someone more worthy? l. 5. n. 98 and 99. See also Renunciation. Can one withdraw from marriage under the threat of fear? l. 6. n. 1057. The penalty for those who withdraw from betrothal. n. 853. Restitution and to Restitute. What is restitution, and who are bound by it? l. 4. no. 547. Regarding those who cooperate. Question II. Regarding solid restitution and the order of those who must restore. Question III. Regarding one who prevents another from obtaining a good. Question IV. To whom must restitution be made? Question V. Regarding a good-faith possessor. Question VI. Article I. Regarding a possessor and a wrongdoer in bad faith. Article II. Regarding restitution for homicide. Article III. For rape. Article IV. For adultery. Article V. For defamation and spiritual injuries. Article VI. Regarding the time, place, and manner of restitution. Question VII. Article I. In what order must restitution be made? Article II. What excuses one from restitution? Article III. One who is able to restore is not absolved unless he first restores. Practice of Confession. n. 43. In cases of uncertain theft, the Holy Penitentiary can remit part of the restitution. l. 7. n. 470, ad X.

[*Latin ed. p. 551*]

One who is unable to restore something in one way is not necessarily obligated to do so in another. *l. 4. n. 637.* Restoration due to omission of hours. *Can. n. 663 to 675.* Where restoration must be made according to contract. *n. 678.* Different kinds of restoration. *n. 679.* With damage to the creditor. *n. 680.* Whether absolution is granted. See *Absolutio*. How

Translated by churchlatin.ai, a product of Boyne Archives

many sins are committed by one who is negligent in restoring. *l. 4. n. 683, and l. 2. n. 40.* Concerning the restoration of honor that has been taken away. *l. 4. n. 984 and 985.* Concerning the restoration of reputation. *n. 992 to 1003.* Are those who choose less worthy individuals for benefices obligated to restore? *l. 5. n. 406 and 107.* Are those who encourage such choices obligated? *n. 108, and l. 4. n. 483, 184, and 185.* What if a benefice is conferred through simony? *l. 5. n. 109.* And to whom must restitution be made, to the Church or to the individual? *n. 110.* The obligation of pastors who do not reside. *l. 5. n. 126.* Of a judge who unjustly judges. *n. 214.* To whom must something received through simony be restored? *l. 4. n. 113.* The fruits of a benefice received through simony. *n. 116.* Whether restitution in solidum must be made if it is presumed that a partner has restored. *l. 4. n. 579. See "Whether."* Is a possessor obligated to restore in case of doubt? *l. 4. n. 35, 36, and 37.* One who consumes a stolen item out of extreme necessity. *l. 4. n. 520.* Question IV. Can a thief restore multiple small items to the poor? *n. 534.* Restoration of children. *n. 546.* Restoration in full of a privilege granted by prescription. *l. 4. n. 544.* A purely mental restriction is never permissible. *l. 4. n. 152. See there, condemned propositions.* Otherwise, if it is not purely mental, or broadly mental, and a just cause is present, *ib. See "Conversely." See examples given. n. 152 to 148.* Is it permissible to swear with an equivocation without being asked? *n. 159.* Retractions or civil contracts. *l. 4. n. 812.* Revalidation of a confession. *l. 6. n. 498.* Revalidation of a marriage. *n. 4109.* Revelations, see *Secretum*. Do revelations fall under the seal? *l. 6. n. 641. See III.* Reverence, see *Filius*. Reviviscence of the Sacraments. *l. 6. n. 6. See Note 4.* When is it permissible to revoke a donation? *l. 4. n. 738.* Can a Bishop revoke the approval of confessors? *l. 6. n. 554 and 552.* Does the one who revokes incur censure? *l. 7. n. 40.* Does it constitute an irregularity? *n. 373.* Accused. How is the accused obligated to confess the truth? *lib. 5. Dub. VII. Art. I.* What is permissible for the accused concerning fleeing punishment? Art. II. How should the confessor act with the accused? Dub. VIII. When is the accused not legitimately interrogated? *l. 4. n. 454.* When is the accused legitimately interrogated? *ib.* Can the accused who denies the truth be absolved? *n. 455.* What if he fears a great punishment? *n. 456, and l. 5. n. 274.* The accused who kills himself by order of the judge. *l. 4. n. 369.* The prince who kills the accused without a sentence. *n. 377.* The cleric who condemns the accused to the death penalty. *n. 378.* Time must be given to the accused to confess and receive Holy Communion. *n. 379.* Are heretics condemned to death obligated to re-

[*Latin ed. p. 552*]

stituere? n. 705. A person falsely accusing another in order to avoid torture. n. 982, and l. 5, n. 277. A person falsely accusing himself. l. 4, n. 983, and l. 5, n. 275. Can a person who has once been tortured be tortured again?

Translated by churchlatin.ai, a product of Boyne Archives

l. 5, n. 204. Must a judge judge in favor of a person who has a probable alibi? n. 240, Qu. I, and Qu. II. See *Bellum*, *Rigor*. Should a confessor be more inclined towards severity than towards kindness? l. 6, n. 464, see *Quidam*. And in *Prax. Confess.*, n. 72. How does the *Rituale* obligate? l. 6, n. 285, Dub. 4. External rites without the intention of conferring the Sacrament. l. 6, n. 23. How do the decrees of the Sacred Congregation obligate? n. 404. See *Litania* for *Rogationes*. Are the rubrics of the Missal directive or prescriptive? And how do they obligate? l. 6, n. 399. Does one sometimes sin mortally by omitting ceremonies, or by performing them too quickly? n. 400, and in *Prax.*, n. 49. Do all the decrees of the Sacred Congregation obligate? n. 401. Peasants falsely swearing. l. 4, n. 150. How many witnesses are sufficient for the testaments of peasants? l. 4, n. 925. A peasant who omitted to confess the species and number [of sacraments]. l. 6, n. 504. What questions should be asked of a peasant penitent? See *Prax. Confess.*, n. 214. A religious priest violating chastity: how many sacrileges does he commit? l. 4, n. 455. A priest carrying the Eucharist in mortal sin. n. 463, see *Dubitatur*. Carrying relics, ibid., see *Non*. A priest celebrating three Masses in mortal sin on the Nativity of the Lord. l. 2, n. 44 (See also l. 6, n. 35, see *Hinc*). Can a simple priest be a minister of Confirmation? l. 6, n. 470. If several priests consecrate together, number 232. Can a priest communicate himself? number 238. Can a priest in mortal sin ever celebrate without confession? n. 259. When is it said that there is a lack of a confessor? n. 264. How is the obligation to confess as soon as possible to be understood? n. 266 and 267. A priest who remembers a sin during the celebration of Mass. n. 262. Should a person communicating in the manner of a layperson wear a stole? n. 276. Does one gravely sin by administering the Eucharist without a stole? n. 241, see 1. Is a priest obliged to celebrate a certain number of times? n. 313. And when? ibid. Dub. 2. Can a wealthy priest accept a stipend for a Mass? n. 347. When does differing in the celebration constitute a sin? ibid., Qu. II. If he omits it after accepting a small stipend. Qu. III. If he omits a Mass that was promised for free. Qu. IV. See other [sections] concerning *Stipendium*. Can a simple priest absolve from venial sins? l. 6, n. 543.

[*Latin ed. p. 553*]

Concerning the Dying:

561. And 562. When is it possible? 563. Who is the proper priest? 564. See Book I, chapter 7, paragraph 70, and paragraph 92.

Whether a simple priest is obligated, under the danger of death, to administer the Sacrament to a dying person. Book VI, paragraph 624.

Whether he is obligated, in necessity, to make himself available to administer the Sacraments. Paragraph 625. See Practical Confessor, paragraph 50.

A priest who abuses the Sacrifice for divination. Book VI, number 705.

To what extent is he obligated by the obedience given to the Bishop?

Translated by churchlatin.ai, a product of Boyne Archives

Book VI, paragraph 828.

Can a religious order be established if the Bishop objects? Ibid.

If a man, having been divorced, wishes to become a priest. Paragraph 969.

Concerning negligent priests, about whom the confessor should inquire. See Practical Confessor, paragraph 49.

The Sacraments cannot be administered with a probable, or even a more probable, opinion of doubt. Book IV, number 48.

What about the Sacrament of Penance? Paragraph 50.

Is it permissible to receive it with a probable doubt? Paragraph 51.

Is it permissible to ask for the Sacraments from a sinner? Book III, paragraphs 47 and 49.

Is it sacrilegious to omit the Sacraments at the proper time? Book IV, number 43.

Can something be received for the administration of the Sacraments? Book IV, paragraph 55.

Is there a penalty for the sale of the Sacraments? Ibid., number 105 and paragraph 442.

Concerning the obligation of pastors to administer the Sacraments, especially during times of plague. Paragraph 358.

The judge is obligated to give the accused time to receive Penance and the Eucharist. Paragraph 379.

What are sacramentals? Book VI, paragraph 90.

How do they cause grace? Book VI, paragraphs 91 and 92.

He who supposes a false matter for sacramentals sins gravely. Paragraph 93, v. 2. He sins.

What things are included among the sacramentals? Paragraph 94.

Is it permissible for excommunicated persons to use sacramentals? Book VII, number 474.

What is a Sacrament, and who instituted the Sacraments? Book VI, paragraphs 4 and 2.

The Sacraments of the Old Law. Paragraph 3.

Can all the Sacraments cause original grace? Paragraph 6 and paragraph 83.

What impresses a character? Number 6. Note II.

What is necessary by the necessity of the means? Ibid. Note III.

What is formed, and what is informal? Ibid. Note IV.

What grace do they cause? Ibid. Note V.

Whether physically or morally? Paragraph 7.

The necessity of form. Paragraphs 40 and 41.

Translated by churchlatin.ai, a product of Boyne Archives

What is the essential change? Paragraph 44.

When is a Sacrament invalidated by a defect in matter or form? Ibid.

Are all matters and forms instituted by Christ? Number 42.

Concerning the intention of the minister, see the word "Intention."

Are Sacraments valid when conferred under a condition? Paragraph 25. See "Dixi" 2, and paragraph 26.

If it is permissible to confer them in this way. Paragraph 27.

If they can be repeated. Number 28.

If it is permissible to use doubtful matter. Paragraph 29.

Are the Sacraments always to be denied to the unworthy? Paragraph 43.

Do fictitiously received Sacraments revive? Number 87.

Is it permissible to use a probable opinion when conferring the Sacraments? Paragraph 57.

Simulation of the Sacraments. Paragraph 59.

From which pastor should the Sacraments be received? Number 445. See "Sed hic."

Is it permissible to ask for the Sacraments from an excommunicated person? Book VI, paragraph 88, and Book VII, number 465.

What about the Sacrament of Penance? Ibid., and Book VI, paragraph 560.

[*Latin ed. p. 554*]

Concerning a sinful minister? Book 6, chapter 89. Can an excommunicated person validly administer the Sacraments? Book 7, chapter 466 and 167. Is this ever permissible? Chapters 168 and 170. Excommunication prevents the reception of the Sacraments, chapter 458. What if done in good faith? Chapter 459. Concerning the exposition of the Sacrament of the Eucharist, see Book 6, chapter 624. Also, see Sacrifice; the Sacrifices of the Old Law, Book 6, chapter 3. Can a sacrifice be offered for an excommunicated person to avoid punishment? Book 7, chapter 463. Can it be offered for a tolerated person? Chapter 164. See also: Mass, Priest, and Stipend. What is sacrilege, and to what extent? Book 4, chapter 33. What types of sacrilege are to be explained? Chapter 34. What are personal sacrileges? Chapter 35. What are local sacrileges? Chapter 36. Is it sacrilegious to remove someone from the Church, the sacristy, etc.? Chapter 38. Is every theft in the Church sacrilegious? Chapter 39. Is theft in the sacristy sacrilegious? Ibid. What are real sacrileges? Chapter 40. Is it sacrilegious to harm ecclesiastical property, to withhold pious legacies, etc.? Chapter 42. Is it sacrilegious to sin mentally in the Church, or to omit the Holy Office at the proper time? Chapter 43. Do censures automatically apply to sacrilegious acts? Chapter 44. Is it sacrilegious to sin on a feast day? Chapter 46. Is it sacrilegious to violate vows? Chapter 47. Is a sin of omission also a sacrilegious sin? Chapter

Translated by churchlatin.ai, a product of Boyne Archives

48. Does a religious priest who violates chastity commit two sacrileges? Book 4, chapter 455. Do two sacred persons who are copulating commit two sacrileges? Chapter 456. Does a person who has a vow of chastity, and who leads another into impurity, commit sacrilege? Chapter 457. What if one is delighted by the impure sin of another? Ibid. Is marital intercourse in the Church sacrilegious? Chapter 458. Is an immodest touch sacrilegious? Chapter 459. And what place is considered sacrosanct? Chapter 460. Are lascivious glances and words in the Church sacrilegious? Chapter 461. Are impure thoughts sacrilegious? Chapter 462. How many sacrileges does one commit by saying three Masses in mortal sin on the Nativity of the Lord? Book 2, chapter 44. See also Book 6, chapter 35. See also: Here. Does a person who is married in mortal sin commit two sacrileges? Book 6, chapter 32. See: It is inferred. 2. What constitutes cruelty that leads to divorce? Book 6, numbers 970 and 972. Saca, see Witches. Salary, see Stipend. Salvatores, called saviors. Book 4, chapter 18. To greet an enemy. Book 3, chapter 28. See: It is questioned. The Neapolitan sanction concerning prescription. Book 4, chapter 546. Concerning the support of children, chapter 338. If blood falls upon the altar, Book 6, number 210. See: Ioh. If blood is poured into another liquid, chapter 229. If clerics or monks become involved in a case of blood, Book 7, chapter 467 and chapter 468, section 3. Health. Is the use of marriage permissible when there is a danger to health? Book 6, chapter 909. When does a tailor sin? Book 5, chapter 292. See: 4. A tailor who completes vestments on a feast day. Book 4, chapter 303. A tailor who buys cheap cloth. Chapter 826. Are tailors...?

[*Latin ed. p. 555*]

Are penances assigned by fasting? No. 1044. Questions to be asked by the confessor. Practice of Confession, No. 60. Satisfaction, and to satisfy. Satisfaction for an offense to honor. Book 4, No. 984. Is it always sufficient to ask for forgiveness? No. 987. What if the offended party has sought revenge for the insult? See No. 989. What if the offender is punished by a judge, etc.? No. 990. Satisfaction for confession, see Book 6, No. 506. Can penance be lessened? No. 508, and following. And in the Practice of Confession, No. 11. What works can be assigned? Book 6, Nos. 509 to 514. Can they be assigned after absolution? No. 514, See No. 8. Even so. The obligation receives the penance. Nos. 515 to 517. Satisfaction freely, under a light penance. No. 518. If the penitent forgets. No. 520. Delay of penance. No. 521. Satisfaction in a mortal sin. Nos. 522 and 523. Penance under a condition, if he relapses. No. 524. After a certain time, etc.? No. 525. Commutation of penance. No. 528. Should he then confess again? No. 529. What if for reserved matters? Ibid., See Doubt 2. Can it be commuted outside of confession? Doubt 3. Canon Law concerning Penances. No. 530. Satisfied. If a portion of the penance is satisfied, is the person, already absolved, obligated to go to Rome? Book 7, No. 87. If a portion of the penance is not satisfied, is absolution from

Translated by churchlatin.ai, a product of Boyne Archives

censure valid? Nos. 429, and Nos. 427 and 428. If a portion of the penance is satisfied, does the censure cease of its own accord? No. 124. Scandal, as an active and passive matter. Book 3, No. 43. When is scandal a special sin? No. 45. Should one confess being led to sin? No. 46. What if another is ready to sin? No. 47. Is it permissible to borrow money from a usurer? From a sacrament administered to a sinner? Ibid. Should one be obligated to omit spiritual goods to avoid scandal? No. 50. Should one omit precepts? No. 51. Should one relinquish temporal goods? No. 52. A woman wearing men's clothing. Ibid., See No. 2. If a woman. Is a woman obligated to flee a husband who desires her? No. 53. In general, others? No. 55. Is excessive ornamentation, especially displaying the breasts, permitted? Ibid. Concerning those who depict, represent, or paint shameful things. No. 56. Is it permissible to suggest a lesser evil to avoid a greater one? No. 57. Is it permissible to ever allow the sin of another? No. 58. Is a rapist obligated to live with a relative, causing scandal to the relatives? Book 4, No. 644. To what is one obligated when giving scandal? No. 664. Can absolution be given without a penance? Book 6, No. 639. Students, by whom should they be absolved? Book 6, No. 569. Necessary knowledge for the confessor. Book 6, No. 627. And in the Practice of Confession, No. 17. Necessary knowledge for ordination. Book 6, No. 790. The words of the Council of Trent: Those who administer the sacraments must be proven to be suitable; what does this mean? No. 791. Illiterate people, when are they irregular? Ibid., Question 2. In regular orders, is less knowledge sufficient? Question 3. Can the bishop require greater knowledge from his clergy? No. 792, See Adv. 2. Is knowledge of the law required to incur a censure? Book 7, Nos. 42 and 44. Is knowledge of cen-

[*Latin ed. p. 556*]

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Translated by churchlatin.ai, a product of Boyne Archives

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:

Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is the English translation of the passage:
Sure. Here is

[*Latin ed. p. 557*]

n. 209 and 240. A judge rendering an unjust sentence.

n. 214. Does an unjust sentence obligate in conscience?

n. 215. Is a sentence to be rendered in favor of a possessor with a probable opinion?

n. 210. Question II. If a divorce is decreed by a judge's sentence, can the innocent spouse recall the adulterous spouse? l. 6.

n. 967. Is a sentence required for a divorce?

n. 968. If a divorce is effected by sentence, can a man become a religious or a priest?

n. 969. When are sentences considered public, or to be rendered? l. 7.

n. 7. Requirements for a sentence of censure.

n. 59 to 64. If a censure is imposed by a particular sentence, who can absolve?

Translated by churchlatin.ai, a product of Boyne Archives

n. 72. What if it is by a general sentence?

n. 73. To bury a suicide in a sacred place. l. 4.

n. 375. To bury heretics in a monastery church. l. 5.

n. 62. Can the right of burial be sold? l. 4.

n. 74. Note. Excommunicated persons are denied burial. l. 7.

n. 486. Are heretics who have not been denounced?

n. 487. What are servile works? l. 4.

n. 272. What are not servile works? n. 274.

n. 271. Is it permissible to impose servile works on infidels?

n. 1047. Does servitude invalidate marriage? l. 6.

n. 455. Does it introduce irregularity? l. 7.

n. 350. Can a slave captured in war flee? l. 4.

n. 350. A sixty-year-old, see "Senex" (old man).

n. Sigillum Confessionis (Seal of Confession), see l. 6, Dub. I. Regarding whether one should know something from confession, etc.

n. 637. Should a certificate be given to one who is not absolved?

n. 639. Can a penitent avoid lengthy discourse?

n. 644. See. It is said. If a confessor is questioned about things heard.

n. 645. Is it permissible to use a probable opinion regarding the seal?

n. 633. Should one avoid light suspicions regarding the seal?

n. 664. Signum (Sign). One must confess with signs. l. 6.

n. 479. See. And in Practice of Confession, n. 102 and 103.

n. 460. What are extraordinary signs of pain? l. 6. And in Practice, n. 67.

n. 448. What is a simulated bigamy? l. 7.

n. 452. Can Bishops grant a dispensation in such cases?

n. Simonia (Simony), and a Simoniacus (Simoniac). What is simony, and to what extent? See l. 4, Dub. III, Art. I.

n. 405. What are the penalties for simony? See l. 4.

n. 413. To whom, and what must be restored that was received through simony? See l. 4.

n. 471. Is simulation always illicit? l. 4.

n. Quæritur (It is questioned). Simulation of the Sacraments. l. 6.

n. 59 and following. Simulation regarding the matter and form of the Sacraments. l. 6.

n. 9, 10, and 41.

n. 479. Is cohabitation a matter of precept in the office of marriage? l. 5.

n. 947. Is it permissible for a married couple to engage in unnatural cohabitation? l. 6.

n. 946. Is the one requesting it obliged to grant it?

Translated by churchlatin.ai, a product of Boyne Archives

n. Societas (Partnership). How is a contract of partnership formed? l. 4. n. 904. Regarding conditions.

[*Latin ed. p. 558*]

Concerning the conditions required for a partnership. No. 905. What is meant by "damages" and "expenses." No. 905 and 906. How the capital and profits, or losses, are to be divided. No. 907. Of a partnership between brothers. Ibid. Question V. How is a partnership terminated? Ibid. Question VI. A partnership in three contracts. No. 908. A partnership of animals. No. 909. A partnership for the safe keeping of property. Ibid. Question 3. A partner deducting his own expenses. Book 4. No. 906. Is one required to recite the office with a partner, if not alone? Book 5. No. 158. See also. Is a beneficiary obligated to provide for a partner, etc.? Ibid. See. Is one obligated to repeat what one has not understood when reciting with a partner? Book 5. No. 163. See. Question II. Reciting with a murmuring partner. No. 165. See. From this, sodomy, perfect and imperfect. Book 4. No. 468. Is pollution resulting from touching a boy considered sodomy? No. 467. Whether it is the act itself or the intention that matters. No. 468. Is sodomy between those joined in matrimony considered incest? No. 469. Penalties for sodomites. No. 470. What is required to incur these penalties. No. 471. Do clerics incur these penalties? Ibid. See. If so, are they excommunicated before judgment? No. 472. Is mutual pollution between men considered sodomy? No. 467 and 485. Is divorce permitted on account of sodomy? Book 6. No. 962. Deficiencies in contracts. Book 4. No. 151 and Book 4. No. 741. Deficiencies in wills. Book 4. No. 927. Formalities required for wills. No. 924. Concerning wills of peasants. No. 925. What about a will for pious purposes? No. 922. Formalities required in the alienation of ecclesiastical property. Book 5. No. 187. See Note V. When can alienation occur without formalities? Ibid. Note VII. Formalities in marriage during prohibited times. Book 6. No. 983. Formalities for delivering the sentence of censure. Book 7. No. 59 to 64. Solicitation. Bull against those who solicit. Book 6. No. 675. Clauses. I. In the act of sacramental Confession. No. 676. II. Immediately before or after. No. 677. III. On the occasion or pretext of Confession. No. 678 and 679. IV. In the confessional, or in any other place, etc. No. 680. What if one flatters in the confessional without simulation? Ibid. Who are to be denounced? No. 681. Who are obligated to denounce? No. 693. He who unjustly accuses of solicitation incurs a papal censure, but without excommunication. Book 6. No. 693. See. Concerning dubious solicitations. No. 702. Penalties against those who solicit. No. 700. Does a delayed payment increase the price of a thing? Book 4. No. 840. Sleep. Pollution following in sleep. Book 4. No. 485. Shares to be divided among partners. Book 4. No. 907. Does the loss of a share always pertain to the owner? Ibid. Question III. What if a pact is made that is common to all? Ibid. Question IV. Are divinatory lots permitted? Book 4. No. 10, V. 44. Divisory

Translated by churchlatin.ai, a product of Boyne Archives

lots. 65. See 42. What is sortilegium? Book 4. No. 6, at the end. Species. Do blasphemies against God and the Saints differ in species?

[*Latin ed. p. 559*]

1. 4. n. 132. Does sacrilege involve the corruption of the underlying species?

2. 34. Do base desires taint the object of affection?

3. 4. n. 421. Note. Does the union of a spouse differ in species from another?

4. 474. (See also l. 6. n. 847.) Are all incestuous acts of the same species?

5. 4. n. 448. (See also l. 6. n. 469.) The roots of the diversity of species.

6. 2. n. 30 et 31. Are sins distinguished by species based on the diversity of precepts?

7. 2. n. 33. A sin of a lighter species compared to a sin of a higher species.

8. 34. A contract in mutual agreement, so that something is rendered in the same species.

9. 4. n. 782. The species of enlightenment, and how long it lasts.

10. 6. n. 225. Is both species required for the Sacrifice?

n. 195. and 496. and n. 306.

11. Does the reception of both species confer greater grace?

n. 228.

12. Specification acquires ownership.

13. 4. n. 496. Hope. Speculative act.

14. 3. n. 7. Concerning the speculative precept.

n. 20. Sins against hope. ibid. and n. 21.

15. Borrowers out of hope of profit.

16. 4. n. 762. Giving spiritual things out of hope of temporal things.

n. 54.

17. Betrothal. What the promise of betrothal should be, see l. 6. n. 831.

18. Concerning betrothals made out of fear.

n. 844.

19. Concerning the obligation of betrothals?

n. 845.

20. Do they obligate immediately? d. n. 845.

21. Can one be compelled against their will?

n. 846.

22. Fictitiously promising.

n. 847. See 4. (And l. 4. n. 642.)

23. If someone contracts betrothals with two people.

n. 848.

Translated by churchlatin.ai, a product of Boyne Archives

24. Children if they are ignorant of their parents, etc.

n. 849.

25. Does disparity invalidate betrothals?

n. 851.

26. Rescinding from betrothals?

n. 852. and 853.

27. How are betrothals dissolved?

I. Through marriage with another. l. 6. n. 855. and 875.

II. Through mutual consent. n. 855. and 856.

III. Through a dissolving impediment. n. 857.

IV. On account of the crime of one of them. n. 860.

V. Through fornication of either party? n. 861.

VI. Through a notable change. n. 863.

VII. Through the departure of one of them. n. 866.

VIII. Through the reception of holy orders, or entry into religion. n. 869.

IX. Through a vow of chastity. ibid. See no. 870.

28. Are betrothals dissolved through a subsequent inheritance, or a more wealthy marriage?

no. 876.

29. Through the dissent of the parents?

n. 877.

30. Is the authority of a judge required for dissolution?

n. 878.

31. For dissolution, what proof is required in the external forum, and what in the internal? d. n. 878.

32. Dub. 2. Does uncertainty or conditionality in betrothals create an impediment to public decency?

n. 1064.

33. Does a justly dissolved betrothal create such an impediment?

n. 1063.

34. Betrothal: What is it, and is it licit?

l. 4. n. 869.

35. Betrothal concerning the commission of a sin.

n. 870.

36. If one promises more than the other.

n. 878.

37. What if one certainly knows?

n. 879.

38. Betrothed. Is it licit for betrothed to touch each other?

Translated by churchlatin.ai, a product of Boyne Archives

l. 4. n. 431. (See also l. 6. n. 854.)
39. A betrothed knowing another.
l. 4. n. 447. (See also l. 6. n. 847.)
40. A betrothed delighting in the future union.
l. 2. n. 23. and 24.
41. If a betrothed is excommunicated, or a sinner, can he marry her?
l. 6. n. 55.
42. Is it licit for betrothed to touch, and kiss each other?
n. 854.
43. Does fornication of betrothed differ in species?
n. 847.
44. Does fornication...

[*Latin ed. p. 560*]

Are the bonds of marriage dissolved in either case? No. 861. What if both parties commit fornication? No. 862. Is it permissible to marry someone with a hidden impediment? No. 864 and 865. Are the bonds of marriage dissolved if one of the betrothed departs? No. 866. Are the betrothed obligated to confess the impediment? No. 4000. What if the groom discovers a blood relationship with the bride after a dispensation has been granted? No. 1440. What if the betrothed engage in incestuous relations before the dispensation is carried out? No. 1441. If the betrothed belong to different dioceses, must each be dispensed by their own bishop? No. 1142. Is a bastard obligated to believe his mother? Law 4, No. 654. What can be requested from the father and mother? No. 951. If the father leaves property to another, so that it may be given to the bastard? No. 952. See "Illegitimate." Statute. Are religious obligated to observe new statutes? Law 5, No. 43. Does sterility constitute a reason to remit a pension? Law 4, No. 860. Can a salary be demanded from a servant who has left service? Law 4, No. 343. After three years? No. 347. If a servant serves without a stipulated salary? No. 348. Can he compensate himself for the salary? No. 349. Is a salary due to a sick servant, or are expenses for his care to be paid? Law 4, No. 864. The salary of a lawyer. Law 5, No. 224 and 225. The salary of a procurator. No. 233. A priest celebrating Mass for a fee, etc. Book 4, No. 85. A priest postponing the celebration of Mass. No. 317, Question 11. What if Masses are offered to a community? Ibid., See. To be considered regarding the fee. No. 319 and 320. Is it permissible to agree upon a fee? Ibid., Doubt 4. It is not permissible to retain a portion of the fee. No. 324. Who are excepted? Ibid., See. From this. To whom must the retained portion be returned? No. 322. Doubt 1. Regarding the executor. Ibid., Doubt 2. Regarding the one who collects alms. Doubt 3. Can Masses of greater value be exchanged for Masses of lesser value? Doubt 4. Regarding the administrator of the Church. Doubt 5. Regarding the obligation of the beneficiary and the parish priest to offer

Translated by churchlatin.ai, a product of Boyne Archives

Masses. Law 6, No. 323 to 326. Regarding votive Masses offered with a fee. No. 327. Regarding the place and time designated by the founder. No. 328. What if the bishop grants a dispensation? No. 329. Regarding the obligation of the chaplain to celebrate, and to celebrate personally. No. 330. Can he ever omit or celebrate for combined intentions, etc.? No. 332. Can a fee be accepted on All Souls' Day? No. 338. The fee of confessors in a convent. Law 6, No. 577, See Note 5. Can a newly ordained priest receive a fee for the first Mass he celebrates with the bishop? No. 829, See. Can a priest, however, receive a fee? Is an alb required for a priest who communicates in the manner of a layperson? Law 6, No. 276. Does a minister administering the Eucharist without an alb commit a grave sin? No. 241, See. To minister. A stole. Stoles are not permitted except for royal persons. Law 7, No. 310, at the end. Are gloves worn? Law 4, No. 26. Rape and the rapist. Is rape a special sin? Law 4.

[*Latin ed. p. 561*]

n. 443. Concerning what the perpetrator of rape is held accountable for.

n. 640. The perpetrator of rape who has a vow of chastity.

n. 649. One who violates a blood relative.

n. 650. What if someone falsely promises to obtain a dispensation? See above. v. Major. Suggesting a lesser evil to avoid a greater one.

l. 3. n. 57. Suggesting a detriment, see Consilium.

Subdelegation. Can a delegate further delegate?

l. 4. n. 493. Subdeacon, and the Subdiaconate.

To which part of the office is a subdeacon bound on the day of ordination?

l. 5. n. 140. v. Hinc.

A subdeacon reciting the office before ordination. See above. v. An autem.

A subdeacon ministering to a dying person.

l. 6. n. 38. Is the subdiaconate a sacrament?

n. 736. and 737. v. Secunda.

Concerning its matter and form.

n. 746. and 747. Can it be conferred by a simple priest, or an abbot?

n. 762. From what time is one a priest? See above. v. Quæstio.

Can it be received simultaneously with minor orders?

n. 797. Subtitus.

Are the vows of the subtitūs valid, until they are annulled?

l. 4. n. 234.

Do pilgrims become subtitūs of the local bishop?

l. 4. n. 456. v. Dub. 4. Probant 2.

Translated by churchlatin.ai, a product of Boyne Archives

Can the bishop dispense in these vows, oaths, etc.?

n. 458. Those who come in the name of the subtitūs.

l. 7. n. 79. Not. IV.

Regulars can dispense with their subtitūs, just as bishops do in vows and hidden irregularities, etc.

n. 400. Subreptio, and Obreptio, what they are.

l. 4. n. 485. v. Quæritur.

Is the substitute of the Penitentiary bound to the office in the choir?

l. 5. n. 434. v. Minimè.

When can the successor of the locator expel the conductor?

l. 4. n. 859.

Suffragium iniquum.

l. 4. n. 566.

Excommunication deprives one of the right to suffrage.

l. 7. n. 462.

A superior cannot deny suffrage based on knowledge of a confession.

l. 6. n. 656.

Sumptus, see Expensa.

Superbia, and its daughters.

l. 2. n. 65.

Can a superior annul vows made before subjection?

l. 4. n. 237.

Concerning whether vows are made after subjection in the rubrics. See above.

If a vow is made at the time of subjection.

n. 238.

If a superior ratifies a vow.

n. 239.

A superior hearing detraction.

l. 4. n. 980. See other references.

Prælatus.

A superior cannot use knowledge of a confession for governance.

l. 6. n. 655.

Nor to deny suffrage.

n. 657.

Superstitio, what it is, and how many kinds there are.

l. 4. n. 4. and 2.

What is superstition, false worship, and superfluous worship?

n. 3. and 4.

Translated by churchlatin.ai, a product of Boyne Archives

When are the superstitious to be denounced?
l. 5. n. 253.
Suppletio, and Supplere.
A beneficiary supplementing the office on another day.
l. 4. n. 667.
Are those serving in the choir bound to supplement what is omitted?
l. 5. n. 443. v. Notandum 3.
Supplementation of animals in a society?
l. 4. n. 900. Qu. 2.
Supplicatio, see Formula.

[*Latin ed. p. 562*]

Punishment. Do clerics assisting at an execution sin? l. 7, n. 463. Adultery. What is the obligation of an adulterer if he is not the cause of the conception of the child? l. 4, n. 659. Deafness and a Deaf-Mute. Are deaf clerics excused from singing in the choir? l. 5, n. 430. Question 2. Do deaf or deaf-mutes fulfill their duty by reciting in the choir? n. 163. Question 3. Is a deaf person excused from confession? l. 6, n. 479, v. 2. How should a confessor act with a deaf person? See Practice of Confession, n. 402, 103, and 104. How to act with one whose deafness is apparent during confession. l. 6, n. 644, v. Let. If the confessor is deaf. n. 499. Can a deaf, mute, and blind person receive Extreme Unction? n. 732, v. 3. Is a deaf person irregular? l. 7, n. 405. Reception and to Receive. See Eucharist and Communion. Imperfect communion prevents the reception of the Sacraments. l. 7, n. 458. What if it is done in good faith? n. 459. Is it permissible to receive the Sacraments from an excommunicated person who is tolerated? n. 465. Is there a penalty? n. 472. Irregularity due to a bad reception of the orders. n. 360 and 364. Does one incur an irregularity if he receives an order while under censure? l. 6, n. 799. Question 3. Whether to receive the Sacraments with a probable opinion. l. 4, n. 54. Suspension and to Suspend. Does an imposed suspension induce a mortal sin? l. 4, n. 446. What is a suspension and how many kinds are there? l. 7, n. 342. Who can suspend and be suspended? Ibid. Does a light venial sin incur a suspension? n. 30. Is knowledge of the law required to incur a suspension? n. 44. Does one sin gravely by performing an act from which he is suspended? n. 313. Does one become irregular if the suspension is temporary? n. 314. Does a bishop, exercising pontifical functions from which he is suspended, act validly? Ibid. See Question 2. And what if he celebrates solemnly? Ibid. See If. Does a suspended priest validly absolve? Ibid. v. 4. Suspended. In how many ways can a suspension be imposed? n. 345. The quality of the suspension. n. 346. Can a poor person suspended from a benefit retain the fruits? Ibid. Question 4. Is a person suspended from a benefit also suspended from other benefits in another diocese? Question 2. Should a suspension be done in writing? n. 347, at

Translated by churchlatin.ai, a product of Boyne Archives

the end. Common suspensions for clerics. n. 348. For religious. n. 349. For bishops. n. 320. Can someone be suspended for a minor offense? n. 321. See. Who absolves from a suspension? n. 322. A Latin or Greek priest who does not celebrate in his own rite is suspended. l. 6, n. 208. A suspension is imposed on those who inquire about the name of an accomplice, etc. n. 494 and 492. One who ordains an alien is suspended, as is one who is ordained. n. 769. Also, one who receives two sacred orders on the same day. n. 796. What if he does not observe the intervals? Ibid. Question 2. What if he receives the Minor Orders with the diaconate? n. 797. What if someone is ordained before the age of reason due to gross ignorance? n. 799. See But here. If he is ordained by his own bishop in a foreign diocese. n. 798. See Add. What if he is ordained without a title? n. 820. Suspicious. l. 4, n. 963 and 964. How is judgment distinguished from suspicion? n. 965.

[*Latin ed. p. 563*]

Sustentation of a beneficiary. Book 4, chapter 491. Questions 2 and 5. What is whispering? Book 2, chapter 72, paragraph 2. Daughters. When does a daughter sin? Book 5, chapter 292, paragraph 4. Sinning on a feast day. Book 4, chapter 290. Is a shoemaker excused from fasting? Chapter 1041. The Creed of the Apostles must be known by all. Book 3, chapter 1. When the Creed is sung by the choir, the celebrant cannot proceed with the Mass. Book 6, chapter 424, paragraph 3. Does smoking tobacco through the nose impede Communion? Book 6, chapter 280. Doubt 1: Is tobacco smoke? Doubt 2: Tobacco leaves or aromatic substances rubbed on the teeth. Doubt 3: When do table makers sin? Book 5, chapters 230 and 234. See "Silent" under Tacens. See "Touch" under Tactus, and "To touch" under Tangere. Unchaste touching of one's own body. Book 4, chapter 419. Touching of another person's body and that of animals. Chapter 420. A woman allowing herself to be touched. Chapter 430. Is she then obligated to cry out? See "Whether" under Utrum. Touching between spouses. Chapter 431. (See also Book 6, chapter 932.) Touching between betrothed. Book 4, chapter 431. (And see Book 6, chapter 854.) Do unchaste touches constitute incest? Book 4, chapters 453 and 469. Unchaste touching in church. Chapter 459. Is a man who forces a touch obligated to lead [someone]? Chapter 645. Is the touching of instruments required in ordination? Book 6, chapter 742. Should it be physical? Chapter 743. Is it permissible to touch sacred vessels, vestments, and sacred objects with gloves? Chapter 382. Is touching and kissing permitted between betrothed? Chapter 854. Are unchaste touches between spouses permissible? Chapters 932 to 935. A spouse unchastely touching himself. Chapter 936. Agitation of bulls. Book 4, chapter 365. Do taxes in a sale obligate the conscience? Book 4, chapter 803. Taxes for a stipend for Mass. Book 6, chapters 348 and following. Taxes for a benefice concerning ordination. Chapter 815. Note 1. The time of Matins. Book 5, chapter 174. The beginning of the feast time. Book 4, chapter 267. The time

Translated by churchlatin.ai, a product of Boyne Archives

for making restitution. Chapter 676. Borrowing with the obligation of waiting for a long time. Chapter 760. The obligation of reciting in the choir, at the proper time, in due order. Book 5, chapter 171. The time for reciting the Hours. Chapter 472. Causes for anticipating the time of recitation. Chapter 173. Anticipating the time of dinner. Book 4, chapter 1046, paragraph: "It is asked." The time for prescribing, see "Prescription." The time of ordinations. Book 6, chapter 794. If the time agreed upon for betrothal has passed, are [obligations] fulfilled? Chapter 867. At what time is marital intercourse illicit? See "Debt." The time to be spent in celebrating Mass. Chapter 400. During weekdays, solemnities, blessings, etc., are prohibited in marriage. Chapter 983. Is it permissible to consummate [the marriage] then? Chapter 984.

[*Latin ed. p. 564*]

What is the temptation of God? Book 4, number 29. Formal and interpretative temptation. Ibid. Is there a limit to the subject matter in the temptation of God? And what is interpretative temptation? Number 30. Is it permissible to ask God for miracles? Number 34. Is it permissible for one who offers himself for martyrdom? And for one who rejects medicine? Number 32. Terminus, see Time. Testament. What and how many kinds of testaments are there? Book 4, number 919, and following. From which chapters is a testament invalid? Number 921. Concerning the testament of peasants. See the annotation under "Peasant." Concerning the testament during a plague. Book 4, number 926. The testament of clerics, novices, and laymen. Number 929. A testament is invalidated by posthumous disinheritance. Number 950. Is it permissible to make testaments on feast days? Book 4, number 287. Who are able to make testaments? Book 4, number 942. Concerning the beneficiaries about whom one may make a testament. Book 5, number 22. One who severs the testicles of another is deemed irregular. Book 7, number 380. Also, if one severs his own. Number 417. What if it is done to preserve one's voice? Number 418. A chapter may grant testimonial letters when the See is vacant. Book 6, number 788. See "Well." Testimonial letters from the Bishop concerning origin. Number 789, in the footnote. See "Note." When is a witness obligated to testify? Book 5, number 264. An equivocating witness. Book 4, number 160. When is a witness not obligated to testify? Book 5, number 268. Are religious permitted to testify? Book 5, numbers 22 and 487. To what is one held who gives false testimony? Number 260. When do witnesses who refuse to testify sin? Number 270. How is the deposition of witnesses to be carried out? Number 271. Is one witness sufficient to testify to a baptism? Book 6, number 434. See "Here." What if witnesses testify to an impediment, whether they are worthy of faith or only one is worthy of faith? Numbers 908, 996, and 997. What if there are marriage vows? Number 998. What witnesses are sufficient for a marriage? Number 4085. Voluntary witnesses in a case of death are

Translated by churchlatin.ai, a product of Boyne Archives

irregular. Book 7, number 468, to II. When is a Canon theologian excused from the choir? Book 5, number 431. See "Thus, likewise." To whom does a discovered treasure belong? Book 4, number 602. Fear in correction. Book 3, number 37. Fear excusing one from Mass. Book 4, number 327. What kind of fear is a cause for divorce? Book 6, number 971, number 3. Title for demanding payment. Book 4, number 505. Is a title a just reason for demanding something in a loan due to the risk of chance? Number 765. Is it a conventional penalty? Number 766. Is it actual damage and lost profit? Number 768. See also under "Damage." What if a title is present, but the lender does not notice? Number 773. Titles for increasing the price. Number 807. A title concerning a benefice with respect to divine office. Book 5, number 461. See "According to." Is a colored title required in a common error, so that the Church may supplement jurisdiction? Book 6, number 572. See "Greater." Concerning the title of ordination, see number 813. Concerning the title of papacy. Number 844. Benefices. Number 815. Patrimony. Number 847. Is one suspended if ordained without a title? Number 820.

[*Latin ed. p. 565*]

Tolerated. Those who are tolerated do not enjoy any privilege. Book 7, paragraph 435. Who are considered tolerated. Decree, paragraph 434, to paragraph 437. Is it permissible to communicate with the tolerated? Paragraph 438. Is it permissible in the sacraments without a cause? Paragraph 439. When are clerics considered tolerated after having been struck? Paragraph 144. Can sacrifices be offered for a tolerated person? Paragraph 164. Is it permissible to request the sacraments from a tolerated person? Paragraph 165. Is it permissible for someone who is not tolerated to minister validly? Paragraph 168. Is it permissible in articulo mortis? Ibid. The penalty if he ministers. Paragraph 174. Tonsure. Is an exemption from fasting granted? Tonsure of Clerics. Book 5, paragraph 488. (See also Book 6, paragraph 825.) Does tonsure require confirmation? Book 6, paragraph 483. Is tonsure a true order? Paragraph 734. Can it be conferred outside the diocese? Paragraph 756. On any day? Paragraph 794. Can it be conferred by a minor upon someone who has dimissorials? Paragraph 763. The obligation of receiving tonsure. Paragraph 826. Under penalty of losing the privileges of the forum and the canon. Paragraph 827. Torment. The accused imposing a crime upon himself to avoid torment. Book 5, paragraph 275. Is he then obligated to revoke his confession? Paragraph 276. Torture. What is permissible for the judge concerning the torture of the accused? Book 5, paragraph 202. Torment. Divorce concerning torment. Book 6, paragraph 960. Tradition transfers ownership. Book 4, paragraph 503. Tradition in a donation. Paragraph 732. Tradition in a sale, if the price is not demanded, or if there is no trust. Paragraph 685 and paragraph 796. What if the thing sold is taken away before the tradition? Paragraph 828. What if it is taken away afterward? Ibid. See Instrument. Transaction in

Translated by churchlatin.ai, a product of Boyne Archives

benefices. Book 4, paragraph 77. Transgressor of residence, see Residence. Translation of office. Book 5, paragraph 461. See Translation. Translation of bishops. Paragraph 104 and 105. Trebellianica. Book 4, paragraph 964. Tribute, see Gabella. Three-year possession for acquiring movable property and benefices. Book 4, paragraph 507. See If someone. Stealing property from Turks. Book 4, paragraph 525. Dishonorable. Contract concerning a dishonorable thing. Book 4, paragraph 742. And to whom must restitution be made then? Ibid. Turpiloquium, see Obscene words. Tutor, to whom is it given, and for what is he obligated? Book 4, paragraphs 917 and 948. The minor obligating himself without the consent of the tutor. Decree, paragraph 918. See 6. Minor. Can the tutor invalidate the vows of the minor? Book 4, paragraph 229. Typographer composing on feast days. Book 4, paragraph 282.

[*Latin ed. p. 566*]

VACANT BENEFICE. If anyone holding a benefice accepts another, the first is vacant. Book 5, n. 416. Note. What if the benefice is simple? n. 446. Question. Are vagrants bound by the precepts of the place, etc.? Book 4, n. 458. Where should vagrants receive Holy Communion? Book 6, n. 260, n. 9. Marriage of vagrants. n. 1089. Value, see Price. Vain glory. Book 2, n. 66, v. 3. What are vain observances, and how many are there? Book 4, n. 44. Vessel. Is it permissible for laypersons to touch sacred vessels? Book 6, n. 382. Is it permissible for a man to begin copulation in a sacred vessel? n. 946. Is it permissible to copulate with elderly people who are not healthy within a vessel? n. 954. Doubt 2. Vectigal, see Toll. Veil, should it be blessed? Book 6, n. 389. Hunting, and to hunt. Hunting on a feast day. Book 4, n. 283. Wild animals captured in the hunt. Book 4, n. 604 and 605. Hunting is forbidden to clerics and religious. n. 606. Sale, and to sell. What is a sale? Book 4, n. 793. Is a determination of price required? n. 794. What if an earnest is given? Ibid. Is a written agreement, delivery, and payment of the price required? n. 795 and 796. To whom do the fruits of the land belong? n. 797 and 798. If something is bought with another's money. n. 799. If something belonging to another is sold. n. 800. What if the value of something is increased? n. 804. Concerning excessive merchandise. n. 802. Concerning the fixing of a price. n. 803. Concerning the variation of a price. n. 804 to 814. Concerning a contract of retrocession, or repurchase. n. 812 and 843. Concerning monopolies. n. 844 to 847. Concerning the life of a thing. n. 818 to 826. Concerning female sellers. n. 825 and 826. What if something is sold to two buyers? n. 827. What if something sold is destroyed? n. 825. Concerning chirographs. n. 829. To sell a benefice, and the right of patronage, and the right of burial. Book 4, n. 71. The sale of sacraments, jurisdiction, a removable office, etc. n. 105 and 144. Selling weapons, swords, poisons, etc. Book 3, n. 71. Is the sale of a benefice, by divine law, simony? Book 4, n. 70. To sell on a feast day. Book 4, n. 285. To resell something bought from another. Book 4, n. 604. Is

Translated by churchlatin.ai, a product of Boyne Archives

it possible to pay the price to the creditor of the seller? Book 4, n. 685. Is it permissible to sell one's children to pagan parents? Book 9, n. 153. What may female sellers earn? Book 4, n. 825. Concerning female sellers who are to make inquiries. Pastoral Handbook for Confessors, n. 61. Those who drink poison. Book 4, n. 369, at the end. To sell poison. Book 3, n. 71. Does giving poison to a cleric incur excommunication? Book 7, n. 280. Doubt 2.

[*Latin ed. p. 567*]

Venial. The desire to avoid all venial sins. Book 4, chapter 303. Proposing to commit all venial sins. Book 5, chapter 12. Whether a venial sin is against Divine Law. Book 2, chapter 41. See also: Sin. Receiving Communion with a habitual venial sin. Book 6, chapter 270. With an actual venial sin. Ibid. Question II. The type of sorrow required for venial sins. Chapter 449. See: Sorrow. If a spouse asks for a venial sin. Chapter 946. How the words of the law should be interpreted. Book 4, chapter 200. Obscene words. Book 4, chapter 426. Whether obscene words are sacrilegious in church. Chapter 461. Whether beatings are a cause for divorce. Book 6, chapter 972. The truth required in an oath. Book 4, chapter 447. The hour when Vespers begins. Book 5, chapter 174. See: Here. Vestments. A woman wearing men's clothing. Book 3, number 52. See: 2. Whether it is permissible to wear the clothing of non-believers. Book 4, chapter 48. Converting sacred vestments to profane use. Book 4, chapter 44. A poor person mending clothing on a feast day. Chapter 297. A tailor finishing clothing on a feast day. Chapter 303. How a minister of the Eucharist sins if he is without vestments. Book 6, chapter 241. Whether a celebrant sins if he is without vestments, even out of fear of death. Chapter 377. Doubt 2. Whether it is permissible to celebrate without vestments in order to give Viaticum. Chapter 289. How sacred vestments are cleaned. Number 374. Whether they can be used for profane purposes. Ibid. See: Parts, and chapter 377, below. Whether any vestment can ever be omitted during Mass. Chapters 376 and 377. Whether they can be made from women's clothing. Ibid. They must be clean. Ibid. Vestments must be blessed. Number 378. They must be of the assigned color. Ibid. Doubt 5. Whether they remain blessed when used in Mass. Chapters 379 and 380. Who is permitted to touch the vestments, the veil, and the corporal. Chapter 382. Whether vestments can be omitted when administering Extreme Unction. Chapter 726. Whether it is permissible to take vestments from the altar. Chapter 424. See: 5. Inferior. Vexation. A beneficiary reducing vexation. Book 4, chapters 98-99. Restoring roads on feast days. Book 4, chapter 303. Viaticum. It is not permissible to consecrate Viaticum in only one species. Book 6, chapter 486. Nor in fermented form. Chapter 203. Doubt 2. Whether any priest can give Viaticum in the absence of the pastor. Chapters 236 and 239. Even a deacon. D. Chapter 236. Even religious. Chapter 240. Laity? Chapter 237. See: Then. Whether it is permissible for lay people and clerics to ever receive Viaticum themselves.

Translated by churchlatin.ai, a product of Boyne Archives

Ibid. Question 2. When can Viaticum be given to those who are not fasting? Chapter 284. What if they have already received Viaticum? Chapter 285. Is one obligated to receive it who has communicated out of devotion in the past few days? Ibid. Doubt 2. What if one communicated in the morning? Doubt 3. Whether the pastor can ever omit the words: "Receive Viaticum." Doubt 4. Whether it can be given with ablution. Chapter 298. See: They say. Whether it is permissible for a priest who is not fasting to celebrate in order to give Viaticum? Chapter 286. Whether it should be given to children? Chapter 293. Whether a sinner is obligated to receive again after receiving Viaticum? Ibid. See: 4. Whether it should be given to the dying? Chapter 285. See: Here. The necessity of giving Viaticum excuses from confession before Communion. Chapter 260. It also permits celebrating in the middle of the night. Chapter 345. See: In necess-

[*Latin ed. p. 568*]

State. Can the Viaticum be given after Extreme Unction? n. 746. When is a person excused from Mass? l. 4. n. 328. Can a Vicar General grant permission to hear confessions contrary to the Bishop's will? l. 6. n. 558. Can someone be chosen as confessor for nuns? l. 6. n. 577. Note 3. Can a dispensation be granted in marriage banns? n. 4007. Can censures be imposed? l. 7. n. 40. v. IV. Can a Bishop absolve reserved cases through a Vicar General specifically appointed? l. 6. n. 594. Question 9. and l. 7. n. 95. Can heresy be absolved through a Vicar General specifically designated? l. 7. n. 90. Can a Capitular Vicar absolve reserved cases as a Bishop can? l. 6. n. 593. v. Eamdem. He cannot grant dismissals for ordination. n. 787. Note 5. Victor and the vanquished. Can the victor in a forbidden game retain the winnings? l. 4. n. 887. What if he prevents the judge? etc.? n. 888. What if he played with the intention of repeating the game? n. 889. Is the vanquished in a forbidden game obligated to pay? n. 890. What if he denies the law? n. 894. Can the vanquished request a relaxation of the oath? n. 892. Is he entitled to compensation? n. 893. Can he be excused if he falsely threatens to repeat the game in court? n. 894. Widow. One who extorts sexual intercourse from a widow under the false promise of marriage. l. 4. n. 646. Can a legacy be left to widows for the benefit of girls? n. 930. Question 5. A widow delighting in a past sexual act. l. 2. n. 23 and 24. He who marries a widow is irregular. l. 7. n. 437. Vigil. Is it permissible to increase the meal on the vigils of the Nativity of the Lord, Easter, and Pentecost? l. 4. n. 4025. v. In vigilia. Bond. Divorce concerning the bond. l. 6. n. 955. Is it permissible to seek public vengeance? l. 3. n. 29. v. Licet. Giving wine to those who are intoxicated. l. 3. n. 69. Selling wine mixed with water. l. 4. n. 820. Is it permissible to drink wine during fasts? n. 4022. Wine from grapes is the material of the Eucharist. l. 6. n. 206. to 210. Wine that is fermenting. ib. ad III. Water to be mixed with wine. n. 208 to 210. Does omitting the wine in purification incur guilt? n. 408. Is water

Translated by churchlatin.ai, a product of Boyne Archives

mixed with wine converted into the blood of Christ? n. 209. To violate. Is a woman obligated to suffer death rather than be violated? l. 4. n. 368. See other words: Suprum, Fasting, Secret. Violation of the Church. l. 6. n. 361. See Church. Violation of the seal, see Seal. Violation of a censure induces irregularity. l. 7. n. 357 and 358. Man, see Husband. Can a man delight in the beauty of another to arouse himself to sexual intercourse? l. 6. n. 943. Can he delight in another's sexual act? n. 914. See other words: Debt. When is he obligated to ask? n. 928. Can a man expel his wife if the dowry is not paid? n. 939. Question 4. Is he then obligated to support her? ib. v. Sed hic. What if she commits adultery? ib. Question 3. Is a man obligated to divorce an adulterous wife? n. 963. Is he?

[*Latin ed. p. 569*]

Can a man become a religious or a priest while remaining married in this life? Q. 975. If a virgin is violated and refuses to marry, is she obligated to receive a dowry? L. 4, n. 648. See also: Virgin, Legatee, and Woman. Do the virtues of a penitent fall under the seal [of confession]? L. 6, n. 641. Violence. Preventing another from a good without force. L. 4, n. 582. Preventing another by force. N. 587. What if by prayer? Ibid. Repelling violence with violence, even to the point of killing the aggressor. N. 380, ad 392. Is it permissible for the proscribed [excommunicated] to repel violence with violence? L. 4, n. 380. Is it permissible for the guilty to repel violence with violence? L. 5, n. 279. Violence to extort marriage. L. 6, n. 1045. See: Fear. Visitation. Does a bishop or regular prelate visiting nuns [have certain rights]? L. 5, n. 56. Are visitors to be excused from the choir? L. 5, n. 431, vers. They are felt [to be present]. Life. Is it permissible to shorten one's life through mortifications? L. 4, n. 371. Are we obligated to use extraordinary, or even very harsh, remedies to preserve life? N. 372. Vital census [a record of the living], is it permissible, and when? L. 4, n. 844. To be avoided [excommunicated]. Can an excommunicated person absolve a dying person? L. 6, n. 88. But it is better to see n. 560. See: Queries I. What is to be avoided? L. 7, n. 433, n. 435, and following. Concerning the suspended and interdicted who are to be avoided. N. 440. When is a perpetrator of violence against a cleric to be avoided? N. 441. When can it be believed that someone who is to be avoided has been absolved? N. 146. Communicating in the sacred mysteries with someone who is to be avoided. N. 473. Reciting the private office with him. Ibid. Communicating civilly [e.g., in a social setting]. N. 488. See: Excommunicated. Can someone who is to be avoided validly administer the sacraments? N. 466. Can he ever be absolved? N. 467. Can he ever be lawfully absolved? N. 469. What is the penalty if he administers [sacraments]? N. 474. Is it permissible for someone who is to be avoided to use the sacraments, and to pray privately in the church? N. 474. If he refuses to leave the church, what are clerics obligated to do? N. 476. What are those attending the same Mass obligated

Translated by churchlatin.ai, a product of Boyne Archives

to do? Ibid. A defect in a thing concerning its essence. L. 4, n. 849, and 820. What if the thing is more perfect than others? N. 820. Selling something for something else. N. 824. A defect concerning quantity. N. 822. Concerning quality. N. 823. Glass, is it permissible to cook in glass during the feast days? L. 4, n. 300. A divine calling to the religious life. L. 6, n. 73, and 82. Does someone called to religion sin by neglecting the calling? L. 5, n. 78. Will. Can the last will be changed by the Pope? L. 4, n. 934, and 939. By bishops? Dict. N. 934. Q. II. Is the consent of the heir required, and for what reason? Ibid. Dub. 4, and 2. The will to ordain is required in a beneficiary. L. 5, n. 113. What if the will is doubtful, or conditional? N. 114. If a wicked will persists in its effect, are sins multiplied? L. 2, n. 40. Pleasure. Is it permissible to take medicine for pleasure? L. 4, n. 1019.

[*Latin ed. p. 570*]

Preparing food for feasts for pleasure. Book 2, chapter 2, paragraph 73.

Is it permissible to engage in conjugal intercourse for pleasure? Book 6, chapter 942.

Vomiting. Is it permissible to communicate when vomiting? Book 6, chapter 292.

Vow, and to Vow. What and how much is a vow? Book 4, numbers 494 and 495. What is required for the deliberation and intention of a vow? See ibid. Question II. What if someone vows with the intention of not promising, or not fulfilling, or not obligating themselves? Book 4, number 204. On the subject of a vow. See Question III. On the obligation of a vow. See Question IV. In how many ways is the obligation of a vow removed? See Question V. What if an unforeseen circumstance arises? Book 4, numbers 226 and 187. What if there are vows of chastity, and religion, or solemn vows? Book 5, number 50. On the invalidation of a vow. See Question VI, Article I. Who can indirectly invalidate a vow? Book 4, number 241. On the commutation of a vow. See Question VII. On the dispensation of a vow. See Question VIII. If there is doubt about a vow, are we obligated to fulfill it? Book 4, number 28. What if the vow is certain, and the doubt is resolved? Ibid. What if it is probable that the vow has already been fulfilled? Number 29, and Book 4, number 700. See Limitations. Is it permissible to marry someone who has a vow of chastity? Book 3, number 60. And whether to fulfill any obligations to them. Number 61. Does the violation of a vow constitute sacrilege? Book 4, number 47. What if someone vows religion without specifying it? Number 232. What if someone makes a vow not to play, under penalty? Number 223. Does one sin gravely who vows to give a thousand gold pieces, and only keeps three? Book 2, number 58. Is a rapist who has a vow of chastity obligated to lead a religious life? Book 4, number 649. Are those over sixty who have a vow of fasting obligated to fast? Number 1038. Are those over sixty, to whom a vow of chastity has been commuted to fasting, obligated to fast? Number 1040. Are those who

Translated by churchlatin.ai, a product of Boyne Archives

have been promoted to the rank of Cardinal or Bishop obligated to fulfill their vows of religion? Book 5, number 2. To what are religious obligated by a vow of poverty? Number 44. What does not conflict with a vow of poverty? Number 46. Can a vow of poverty be revoked by custom? Number 35. Is a vow of a religious valid if given without the permission of a Prelate? Number 48. When are those who have a vow of religion excused? Number 74. Is a vow to marry valid? Book 6, number 75. Can the commutation of vows during a jubilee be done outside of the Sacrament? Number 536, ad XIV. Receiving Holy Orders while ignoring a vow of chastity. Number 809. What if someone expressly refuses to make it? Ibid, Question 2. What if someone is ordained under duress? Number 841. Does a vow of religion, or of Holy Orders, or of chastity, dissolve betrothal? Number 873. If a betrothed man has intercourse after making a vow. Number 874. If a spouse has a vow of chastity. Number 944. If both spouses have vowed chastity. Number 948. Can a Bishop dispense with a vow of chastity made after marriage? Book 6, number 986. Can a Bishop dispense with a vow made before marriage, regarding the fulfillment of obligations? Number 987. Concerning Mendicants. Ibid, see. Concerning the Bishop, does he dispense with marriage? Ibid, Question 3. A solemn vow invalidates marriage. Numbers 4024 and 4025. Can the Pope dispense with this? Number 4026. Is it permissible to vow one's life in defense of the preservation of the Blessed Virgin Mary from original sin? Book 7, number 208.

[*Latin ed. p. 571*]

Voice. Concerning the voice used in celebrating Mass. Book 6, paragraphs 443 and 414. What if one does not hear oneself? Ibid. What if one says "submissively," which ought to be said loudly? Paragraph 415. What if one says loudly, which ought to be said submissively? Paragraph 416. If someone cuts off his testicles in order to preserve his voice. Book 7, paragraph 418. A mutual loan given to a university, can it be reclaimed? Book 4, paragraph 756. Does a usurer acquire ownership of the profit? Book 4, paragraph 783. Use. What is the use of a thing? Book 4, paragraph 487. Is a religious person obligated to make restitution for something taken from him from things given for use? Book 5, paragraph 27. A religious person spending on immoral uses with a general permission. Book 4, paragraph 873, and Book 5, paragraphs 29 and 34. And whether such a permission is valid. Ibid., and paragraph 30. The use of marriage, see "Debitum conjugale" (Spousal Duty). What is the use of a fruit? Book 4, paragraph 487. When does a son acquire the use of the fruit of inherited property? Paragraph 488, section IV. Peculium. Utility, and Useful. Utility excusing from labor for the public good. Book 4, paragraph 304. A useful thing cannot be sold for more than its value to the buyer. Paragraph 806. Utility excusing pastors from residence. Book 5, paragraph 425, section IV. And canons from the choir. Paragraph 130, section III. To what is a

Translated by churchlatin.ai, a product of Boyne Archives

wife bound? And to lowly duties? Book 4, paragraph 352. Is she bound to follow the domicile of her husband? Paragraph 353. Is she bound to pay debts contracted by her husband? Paragraph 354. What is she bound to return to the children of the first marriage? Paragraphs 355 and 960. Can a sinful wife be absolved with her husband? Book 4, paragraph 440. Can a husband annul all the vows of his wife? Book 4, paragraph 234. Can a wife annul the vows of her husband? Paragraph 235. What if they both vow chastity? Paragraph 236. Is a wife excused from Mass because of the anger of her husband? Paragraph 327, section Sic. Goods of wives. Paragraph 489. Theft of wives. Book 4, paragraph 539. Can a wife give alms? Paragraph 540. Can she spend [money]? Paragraph 541. Can she provide for her parents? Paragraph 542. Can she receive sustenance from her husband who is burdened with debts? Paragraph 695. Is a wife excused from fasting because of the anger of her husband? Book 4, paragraph 1034, section 4. Is a wife, ordained in the sacred orders, bound to profess religious vows? Book 6, paragraph 822, section Licitè. Can she then marry after the death of her husband? Dubitationes (Doubts), II. Is a wife ever bound to ask [for something]? Paragraph 929. Can she be polluted, if her husband withholds himself after copulation? Paragraph 919. If she has experienced the danger of death in childbirth, or if she is accustomed to burying dead children, is she bound to [do so]? Paragraph 963. Rising or urinating after copulation. Paragraph 954, section Dicunt (They say). Is she bound to separate from an adulterous husband? Paragraph 964. Is she bound to follow her husband in habitation? Paragraph 977. END OF INDEX OF SUBJECTS.

[*Latin ed. p. 572*]

NAMES OF THE AUTHORS CITED IN THIS WORK. (*) NAME. NATION. CENTURY. YEAR OF BIRTH. YEAR OF DEATH. Albas (Nicholas de Tudeschis) Italian 1370 1445 Abelly (Louis) French 1604 1691 Abulensis (Alphonsus Tostatus) Spanish 1400 145 Acunna (Christopher de) Spanish 1597 1676 Adrian (Adrian) Belgian 1580 Æneas Sylvius (Pius II.) Italian 1405 1464 Ægidius (of Prasent) Portuguese 16th century Aguirre (Cardinal Joseph Saënz de) Spanish 1630 1699 Alan (William) English 1532 1574 Albert (the Great) German 1193 1280 Albitius (Cardinal Francis) Italian 1623 1684 Alciati (Terentius) Italian 1570 1654 Alcozer, or A cuinus (Flaccus Albinus) English 804 Ales (Alexander de) or Alensis English 1245 Alexander (of Alexandria) Italian 15th century Aliacensis (Cardinal Peter de Aliaco) French 1425 Almainus (James) French 1545 Alterius 844 Alvarez (D'dacus) Spanish 1635 Amalarius (Fortunatus) German Amato (Michael de) Italian 1682 1729 Ambrose (Saint) Italian 340 397 Amicus (Francis) Italian 1651 Amort (Eusebius) German 1692 1775 Anacletus Anastasius (of Sinai) Asian 16th century Ancharano (Peter de) Italian 1330 1417 Andrea (John) Italian 15th century Angelus (Mutius) Italian 1558 1597 Angles (Joseph) Spanish 16th century Anselm (Saint) Italian 1033 1109 (*) We believe it

Translated by churchlatin.ai, a product of Boyne Archives

will be pleasing to all, and useful in avoiding errors when praising authors, to read and note here, in alphabetical order and in full, the names of the authors which are cited in this work, only abbreviated in the course of the work. If, however, anything has been incorrectly stated in describing the names, nations, or years of the writers, we beg to be corrected, if it should be noticed. We have omitted from this present catalogue the names of pagan or heretical authors. Edit.

[*Latin ed. p. 573*]

NAME. NATION. CENTURY. Born. Lived. Died.
Antoine (Paul Gabriel) French 1679 1743
Antoninus S.) Italian 1389 1459
Antonius (of the Holy Spirit) Portuguese
Aponte (Louis) Spanish 1554 1624
Arragonius (Peter) Spanish 16th century
Arausus Franciscus de Arauxo) Spanish 16th century
Aravius (Francis of Aravio) Spanish 17th century
Arcudius (Peter) Archdeacon of Armendarius Armilla (see Fumus)
Arnaudius (Claudius)
Arnobius
Arriaga (Roderick of) Spanish 1592 1667
Arsdekin (Richard) Irish 17th century
Astesanus 1230
Athanasius (Saint) African 373
Augustine (Saint) African 354 430
Aureolus (Cardinal Peter) French 14th century
Avendanus Spanish
Aversa (from Saint Severinus Raphael) 17th century
Avicenna Persian 980 1037
Avila (Father John) Spanish 1500 1569
Azorius (John) Spanish 1603
Author of the "Parochial Obedience."
Author anonymous. Instructions for the new confessors.
Author anonymous. Instructions for the confessors of lands and villages.
Author anonymous. Concerning the Offices of Confessors.
B
Babenstuber (Louis) German 18th century
Baeza (Didacus)
Bait (Louis) French
Baldus (de Ubaldis) Italian 1690 1764

Translated by churchlatin.ai, a product of Boyne Archives

Ballerini (Peter) Italian 1702 1764
Ballerini (Jerome) Italian 1631 1718
Baluzius (Stephen) French
Bancellius (Louis) Spanish 17th century
Bannez (Dominic) Spanish 1527 1604
Barbosa (Augustine) Italian 1649
Barchius

[*Latin ed. p. 574*]

NAME. NATION. CENTURY. Born. Lived. Died.
Bardellus (Nicholas) Italian 1655
Bardi (Francis) Italian 1587 1667
Baronius (Cardinal Caesar) Italian 1538 1607
Bartolus Italian 1313 1355
Basil (St. Basil the Great) Asian 329 379
Bassæus (Eligius) Gallic 17th century
Baucius (Charles) Italian
Bauldri (Paul) Gallic 1639 1706
Baumont (Christopher de) Gallic 1703 1781
Baunus (Stephen) Gallic 1649
Becanus (Martin) Belgian 1561 1624
Beda (Venerable Bede) English 672 735
Beja (Louis de) Lusitanian 16th century
Bellettus (John)
Bellarminus (Cardinal Robert) Italian 1542 1624
Bellamera (Egidius de) Gallic 14th century
Bellegambe (Francis) 17th century
Bellochius (Benedict) (St.)
Benzonius (Francis) Italian 480 543
Bernal (Augustine) Spanish 1360 1444
Bernardinus (of Senlis) (St.) Italian 1383 1444
Bernard (St.) Gallic 1091 1453
Berti (John Lawrence) Italian 1696 1766
Beyerlink (Lawrence) Belgian 1578 1627
Biel (Gabriel) German 1493
Billuart (Charles) Belgian 1685 1737
Binsfeldius (Peter) German 1606
Bissus (Bernard)
Blacciot

Translated by churchlatin.ai, a product of Boyne Archives

Blosius (Francis Louis) Belgian 1506 1566
Bodin (John) Gallic 16th century
Boerius (Nicholas) Gallic 16th century
Bona (Cardinal) Italian 1609 1674
Bonacina (Martin) Italian 1631
Bonamicus
Bonartius (Oliver) Belgian 1655
Bonaspes (Francis) 17th century
Bonaventure (St.) Italian 1221 1274
Boniface (John) Spanish 17th century
Bordonius (Francis) Italian
Borgia (Louis Crespin à) Italian 1682 1764
Bosco (John à) Dutch 17th century
Bossius (John Angelus) 17th century

[*Latin ed. p. 575*]

NAMES. NATIONALITIES. CENTURIES. Born. Lived. Died.
Bosvinus, Gallus Boudewins (Michael), Belgian, 47th century.
Boudartus (Jacobus), Belgian, 1622, 1702.
Bouwens (Andreas), Belgian, 47th century.
Brancatius (Cardinal de Lauræa), Italian, 1644, 1693.
Braschius (Joannes Baptista), Bresserus, Brixia (Father Fortunatus à), Burchardus, German, 1025.
Burghaber (Adamus), German, 47th century.
Busembaum (Hermannus), German, 1600, 1668.
Butrio (Antonius de), Italian, 46th century.
C
Cabassutius (Joannea), French, 1604, 1685.
Cabrera (Petrus de), Spanish, 16th century.
Cabrinus (Josephus),
Cajetanus (Thomas de Vio, Cardinal), Italian, 1469, 1534.
Calderinus (Joannes), French, 44th century.
Calepinus (Ambrosius),
Calmet (Augustinus), French, 1672, 1757.
Campanie (Joannes), Italian, 1626.
Campione (Hyacinthus), Hungarian, 1725, 1767.
Candidus,
Cangiamila (Franciscus Emmanuel), Italian.
Canisius (Petrus), Dutch, 1520, 1577.

Translated by churchlatin.ai, a product of Boyne Archives

Canus (Melchior), Spanish, 1523, 1566.
Capellotus,
Capotus (Sertorius Caputo),
Capistrano (St. John à), Italian, 1385, 1456.
Capreotus (Joann.), French, 45th century, 1633.
Carafa, Italian, 1564.
Caramuel (Joannes), German, 1606, 1682.
Cardenas (Joannes de), Spanish.
Carena (Cæsar),
Carnot (Arnold.),
Carolus (Borromæus S.), Italian, 1538, 1584.
Carratinus,
Carterius,
Casarubius (Alphonsus),
Caspensis (Ludovicus), 47th century.
Cassalius,
Cassianus (Joannes), French, 433.

[*Latin ed. p. 576*]

NAME. NATION. LOCATION. BORN. LIVED. DIED.

Cassiodorus (Magnus Aurelius) Italian 469 562 Castaldus Castelvetere (F. Bernard. à)
Castropalao (Ferdinandus de) Spanish 1633
Castro (Antonius de) 1558
Catharinus (Ambrosius) Italian 1487 1553
Ceballos
Ceneda (Petrus)
Cerbulus
Cespedes
Chambers (Ephraim) English 1740
Chapeauville (Joannes) Belgian 4554 1647
Charlas (Antonius) French 1798
Cherubinus (Flavius)
Chassainus (Bruno) French 17th century
Chioccarellus (Barthol.)
Chokier (Erasmus à) Belgian 17th century
Chrysostomus (S.) Asian 344 407
Ciera

Translated by churchlatin.ai, a product of Boyne Archives

Clarus (Julius) Italian 4575
Clericatus (Joannes) Italian
Cochlæus (Joannes) German 1474 4552
Collet (Petrus) French 1697 4770
Conitolus (Paulus) Italian 1546 4626
Concina (Daniel) Italian 1686 4756
Coninchius (Egidius) Belgian 1571 4633
Corradus (Pyrrhus) Italian 17th century
Contensonus (Vincentius) French 17th century
Continuator Sporerii
Continuator Tournely (see Collet)
Continuator Witassi
Corduba (Antonius de) Spanish 16th century
Coreglia
Corella (Jacobus de) Spanish 1657 4699
Coriolano (Franciscus Longus à) Italian 17th century
Cornejus (Petrus) Italian 15th century
Cornelius à Lapide Belgian 4566 4637
Corsettus
Cotonius (Petrus) French 1564 4626
Covarruvias (Didacus) Spanish 1512 4577
Crassus
Crousers
Crux (Joan. de la) Italian 1676 1751
Cujacius (Jacobus) French 1590
Cuniliati (Fulgent.) Italian 1685 1759

[*Latin ed. p. 577*]

NAME. NATIVITY. CENTURY.

Curiel (Alphonsus, John) Cusanus (Nicholas, Cardinal) Cutillus Cyprian (Saint) Cyrillus (Saint, of Alexandria) Cyrillus (Saint, of Jerusalem) Hispanus Germanus Afer Afer Asianus

Born: 1404 1404 1404 345 Lived: 1409 1454 2358 444 386

D

Dalvinus Damascenus (John, Saint) Damianus (Peter, Saint) Decianus (Tiberius) Decius (Philippus) Decocq (Florentius) Delbene (Thomas) Delrio (Martin, Anthony) Diana (Anthony) Dionysius (of the Carthusians) Dionysius (Saint, of Alexandria) Diocastillo (John, de) Donatus (Jerony-

Translated by churchlatin.ai, a product of Boyne Archives

mus) Drexelius (Jeremias) Driedo (John) Druinus (Raynaldus) Duardus Du Hamel (John, Bapt.) Dupasquierus (Sebastian) Dupinus (Louis) Durandus (William) Durandus (Stephen) Duvallius (Andrew)

Asianus Italus Italus Italus Belga Italus Belga Afer Italus Italus Germanus Belga Gallus

Lived: 696 1508 1454 47th century 47th century 1501 1585 1402 1585 1581 1480 1682 1624 1700 1232 1584 1638 110 1584 1535 47th century 47th century 1608 1663 1474 264 1653 1513 1638 1535 1742 1706 1800 1296 1589 1638 1543 1286 1589 1669 1543 1286 1589 1669 1648

E

Echius (or Eckius, John) Elbel (Benjamin) Elizalde (Michael, de) Ephrem (Saint) Epiphanius (Saint) Erasmus (Desiderius) Escobar (Anthony, de) Esparsa (Martin, de) Estius (William)

Volume VI. Germanus Germanus Hispanus Asianus Asianus Batavus Hispanus Hispanus Batavus

Born: 1486 48th century 47th century 310 1467 1589 47th century 1542 1543 48th century 47th century 378 403 1536 1669 1648

[*Latin ed. p. 578*]

SOME. NATION. AGE. Born. Lived. Died. Eusebius (Pamphilus), Asian, 4th century. Everardus (Cardinal). F. Faber (John), German, 1470-1541. Fachinæus. Fagnanus (Prosper), Italian, 1598-1678. Fagundez (Stephen), Lusitanian, 1577-1645. Farinaccius (Prosper), Italian, 5th century. Farvacquesius (Francis), Gallic, 5th century. Fausto (Bartholomew à S.), Italian, 5th century. Felinus, see Sandeus. Fenario (John à). Ferdinandus (de Jesu), Spanish, 1574-1644. Fernandez. Ferraris (Lucius). Ferrantinus (Jeronymus). Filiguera. Filliuccius (Vincent), Italian, 1556-1622. Fischer (John), English, 1455-4535. Flaminius, Italian, 6th century. Fleury (Claudius), Gallic, 1640-1723. Floronus (Lucas), Gallic, 5th century. Fontanus (Francis). Fornarius (Martin), Italian, 5th century. Fragosa. Francolinus (Balthasar), Italian, 8th century. Franciscus (Salesius S.), Savoyard, 1567-1622. Franzoja (Angel). Frassenius (Claudius), Gallic, 1620-1744. Freita. Fumus (Bartholomew), Italian, 6th century. G. Gabriel (à S. Vincent). Gabrina. Gaherus. Gallego (Barnabas), Batavian, 1528-4573. Galenus (Matthew). Gallemarte, Gallic.

[*Latin ed. p. 579*]

NAME. NATION. CENTURY. Born. Lived. Died. Gallia Vindicata (Anonymous Author). Gallup. Gamachaeus (Philippus). Gallus. 4568. 1625. Gandavensis (Henricus). Belgian. 47th century. Garcias (Nicolaus). Spanish. 47th century. Gatticus (P.). Gavantus (Bartholomæus). Italian. 1640. Genetius (Franciscus). Gallic. 1640-1702. Genuensis (Marcus Antonius). Gerson (Joan.). Gallic. 4363. 1429. Giballinus. Gibertus (Joannes Petrus). Gallic. 1660. Gigas (Hieronymus). Italian. 46th century.

Translated by churchlatin.ai, a product of Boyne Archives

Giribaldus. Gisbertus (Joannes). Gallic. 1639-1711. Glossa (Authors, interpreters of Canon Law). Gobatus (Georgius). Swiss. 1600-1679. Gomez (Antonius). Spanish. 46th century. Gonet (Joannes Baptista). Gallic. 1616-1681. Gonsalez (Thyrsus). Spanish. 1705. Gordonus (Jacobus). Scottish. 1552-1641. Gormaz (Joannes Baptista). Spanish. Gothofredus (Dionysius). Gotti (Vincent. Ludov. Cardinal). Italian. 1664-1742. Grado (Stephanus). Dalmatian. 47th century. Graffiis (Jacobus de). Italian. 46th century. Granado (Jacobus). Spanish. 1572-1632. Granata (Ludovicus à). Spanish. 1506-1538. Grancias (Joannes). Gallic. 1732. Grandinus (Martinus). Gallic. 1604-1691. Gratianus. Italian. Graveson (Ignat. Hyacin. Amat.). Gallic. 1670-1733. Gravina (Joseph Maria). Italian. 1702-1780. Gregory the Great (Saint). Italian. 540-604. Gregory (Nazianzus, Saint). Asian. 328-389. Gregory (Nyssa, Saint). Asian. 331-396. Greiserus (Jacobus). German. 1561. Grotius (Hugo). Dutch. 1585-1645. Guillelmus Parisiensis. Gallic. 1249. Guimenius. Guttierez (Joannes). Spanish. 46th century. Guyetus (Carolus). Gallic. 1600-1664.

[*Latin ed. p. 580*]

NAME. NATION. CENTURY. Born. Lived. Died.
H Habert (Louis), French, 1635, 1748.
Haelensis (Alexander), Unknown, Haræus (Francis), Dutch, 1550, 1632.
Harduinus (John), French, 1646, 1729.
Haunoldus (Christopher), German, 47th century.
Heinneccius (John Gottlieb), German, 1681, 1744.
Henno (Francis), Belgian, 48th century.
Henricus (of St. Ignatius), Belgian, 1720.
Henriquez (Henry), Portuguese, 1536, 1608.
Herincx (William), Belgian, 1620, 1678.
Herminier (Nicholas L'), French, 1667, 1735.
Hieronymus (St.), Dalmatian, 334, 420.
Hilarius (St.), French, 368.
Hoffman (Gasper), German, 1572, 1648.
Holden (Henry), French, 1596, 1665.
Holzmann, German.
Homobonus de Bonis, Italian, 1271.
Hostiensis (Henry of Segusia), Unknown.
Hozęs Hugo of St. Victor, Belgian, 12th century.
Hugo (Charles Louis), French, 4739.
Humbertus (Peter), French, 1696, 4788.
Hurtado (Thomas), Spanish, 1689.
Hurtado (Gasper), Spanish, 1575, 1647.

Translated by churchlatin.ai, a product of Boyne Archives

Hurtadus (Peter, of Mendoza), Spanish, 1646.
Ignatius of Loyola (St.), Spanish, 1491, 1586.
Idephonsus (John Baptist), Unknown.
Illsung (Jacob), German, 47th century.
Imola, John of, 1436.
Innocent III, Pope, Italian, 1480, 1246.
Irenaeus (St.), Greek, 202.
Isambertus (Nicholas), French, 47th century.
Isidorus (St.), Spanish, 42nd century.
Januariis (Joseph of), Unknown.
Jason, Unknown.
Javellus (Christopher), Italian, 1540.
Joachim (Abbot), Italian, 1430, 1201.
John of the Cross (St.), Spanish, 1542, 1591.
John of St. Thomas, Unknown.

[*Latin ed. p. 581*]

NAME. NATION. CENTURY. Born. Lived. Died.
Jordanus (B.) German. 1237. Iserna.
Jueninus (Gasparus) Ital. 1650. 1713.
Justinus (S.) Asian. 103. 163.
Ivo Gall. 5th century.
K. Kellisonius.
Krimerius (Ferdinandus) 5th century.
Kuglerius (Joannes).
L. L'abbé (Philippus) Gall. 1607. 1666.
La Croix (Claudius) Belg. 1652. 1714.
Lactantius (Lucius Cælius) African.
Laguna (Andreas) Hispan. 1499. 1560.
Lamas (Hieronymus).
Lambertini (Cardinal Ben. XIV.) Ital. 1675. 1758.
Lampridius (Anton.)
Lancellotti (Joannes Paulus) Ital. 1514. 1591.
Lancicius (Nicolaus) Polon.
Lanfrancus Ital. 1005. 1089.
Lassarie.
Lastra.
Launojus (Joannes de) Gall. 1603. 1674.
Layman (Paulus) Germ. 1576. 1625.

Translated by churchlatin.ai, a product of Boyne Archives

Leander (à SS. Sacramento) Gall. 1667.
Lebrun (Petrus) Gall. 1661. 1729.
Ledesma (Petrus) Hispan. 1616.
Ledesma (Bartholomæus) Hispan.
Leo (S.) Ital. 5th century.
Leon (Alphons. de) Ital.
Leonardus à Portu Mauritio (B.) Ital. 1676. 1751.
Lessius (Leonardus) Belg. 5th century. 1623.
Leurenius (Petrus) Germ. 5th century.
Lezana (Joannes Baptista de) Hispan. 5th century. 1659.
Lezarus (Petrus) Gall. 5th century.
Lobner (Tubias) Germ. 5th century.
Lombardus (Petrus) Gall. 12th century.
Lopez (Ludovicus).
Lorca (Petrus de) 17th century.
Lorichius (Judocus) Germ. 5th century.
Lorichius (Ludovicus) Germ. 5th century.

[*Latin ed. p. 582*]

SOMMEN. PATRIA. SECULUM. Nat. Vixit. Mort.
Lossada Loth (Ludovicus Bertrandus) 1653
Lotterius (Melchior)
Luca (Card. Joannes Baptista de) Italus 1647 1683
Ludovicus (à S. Joan.)
Lugo (Card. Joannes de) Hispanus 1588 1660
Lugo (Franciscus) Hispanus 1652
Lumbier Lupus (Christianus) Belga 1642 1684
Lyro (Nicolaus de) Gallus 1340
M
Machadus de Chaves (Joannes) American. 1653
Macrus Magius (Franciscus Maria) Italus 1612 1686
Majolus (Simon) Italus
Major (Joan.) Scotus 1468 1550
Malderus (Joannes) Belga 1633
Maldonatus (Joannes) Hispanus 1534 1583
Malvenda (Thomas) Hispanus 1566 1628
Mancinus (Joannes Baptista) Italus 1640
Manriquez (Angelus) Hispanus 1577 1649
Mansi (Joannes Dominicus) Italus 1692 1769

Translated by churchlatin.ai, a product of Boyne Archives

Manuel.
Marca (Petrus à) Gallus 1594 1622
Marchaldus
Marchantius (Jacobus) 17 o sæc.
Marchantius (Petrus) Belga 1585 1664
Marchinus (Joannes Franciscus) Italus 1713 1773
Marco (Barthol. à) Italus 18 o sæc.
Margarita
Marianus Victor
Marino (Dominicus à) Italus 1669
Marinus (Joannes) Hispanus 1651 1725
Marsilius Italus 1328
Martinez (Gregorius)
Martene (Edmundus) Gallus 1654 1739
Martinon (Joannes) Gallus 1662
Martinus (à S. Jos.)
Martyr (Petrus) Italus 16 o sæc.
Mascardus (Josephus) Italus 1595
Mastrius (Bartholomæus) Italus 17 o sæc.
Mathæus (de Krocóf) Germanus 1440

[*Latin ed. p. 583*]

WOMEN. NATION. CLERGY. BORN. LIVED. DIED. Matienzo Mauri (editors approved by the Congregation [of the Holy Office]). Maurus (Sylvester), Italian, 1672. Mazzochius (Alexins), Italian, 1684-1771. Mazzotta, Medina (Bartolomeus), Spanish, 1528-1584. Medina (Joannes), Spanish, 1490-1516. Megala, Milante, Italian, 1749. Menardus (Nicolaus Hugo), French, 1585-1644. Menchata, Mendo (Andreas), Mendosa (Franciscus de), Portuguese, 16th century. Menghi (Hieronym.), Menochius (Jacobus), Italian, 1532-1607. Merarius, Merati (Cajetanus), Italian, 1663. Merbesius, French, 1684. Mercado (Ludovicus de), Spanish, 1520-1606. Mercorus (Julius), 17th century. Merenda (Antonius), Italian, 1578-1657. Merolla (Franciscus), Metinus (Henricus), Michel (Augustinus), German, 1661-1754. Miranda (Ludovicus), Spanish. Mirandola, see Picus. Molfesius (Andreas), Italian, 17th century. Molina (Ludov.), Spanish, 1533-1600. Monacellus (Franciscus), Moneta, Italian, 1240. Montesinos (Ludov.), Spanish, 1624. Moretto, Morinus (Joannes), French, 1591-1659. Moscosa, Moure (Antonius Fernandez de), Portuguese, 17th century. Moya (Matthæus de), Spanish, 17th century. Muratorius (Ludov.), Italian, 1672-1750. Murcia (Leander de), Murtius, Muscettola (Francisc.), N,

Translated by churchlatin.ai, a product of Boyne Archives

Naldus, Nancius (Guillelm.).

[*Latin ed. p. 584*]

NAME. NATIVITY. BEGINNING OF LIFE. DEATH.

Narbona, Alexander, Gallus, 4639, 4724.
Natta (Marcus Antonius), Italian, 46th century.
Nauclerus (Joannes), German, 45th century.
Navarrus (Martinus), Spanish, 4586.
Navarrus (Petrus), Spanish, 46th century.
Navarrus (Tiburtius), Spanish, 46th century.
Nellus, Nevo (Alex. de), Italian, 45th century.
Nicephorus (Hist.), Greek, 8th century.
Nicolai (Joannes), Gallic, 47th century.
Nicolius (Petrus), Gallic, 4625, 4695.
Nieremberg (Euschb.), Spanish, 4590, 4658.
Nori (Henricus, Cardinal), Italian, 1634, 1704.
Nugnus, Didacus.
Nyder (Joan.), German, 45th century.
O, Ochagavius (Petrus), Spanish, 47th century.
Oltrado, Onnate (Petrus de), Italian, 4568.
Onuphrius, Opatovius, African, 485, 254.
Origenes (Adamantius).
Ormachæa (Hieronym.).
Orsi (Joan. Aug. Cardinal), Italian, 1692, 1764.
Ortiz (Alphonsus), Spanish, 45th century.
Ovanus, Oviedo (Franciscus de), Spanish, 4651.
Oxeda.
P, Pagius (Antonius), Gallic, 1624, 4695.
Palatus (Michaël), Spanish, 46th century.
Palao (Mich. de).
Palladius.
Pallavicin (Sfortia, Cardinal), Italian, 1607, 1667.
Paludanus (Petrus de Palude), Gallic, 44th century.
Pandao (Henricus à), Panormitan, see Abbot.
Panzaroli.

Translated by churchlatin.ai, a product of Boyne Archives

Pardus.

[*Latin ed. p. 585*]

NAMES. HOMELANDS. CENTURIES. Born. Lived. Died.

Parisius, of Paris (John) Pasqualigus (Zacharias), Italian, 15th century.

Passerinus (Peter Maria), 15th century.

Patel, Patutius (John Vincent), Italian, 1700-1769.

Pavone (Joseph Maria), Italian, 18th century.

Pax (Jordan), Payva (Didacus), Pecininus, Pegna (Francis), Peyrinus (Lawrence), 15th century.

Pelbartus, Pellizarius (Francis), Italian, 1631.

Pereira, Spanish, 16th century.

Pervz (Martin), Spanish, 15th century.

Perez (Anthony), Spanish, 1583-1672.

Personius, Persicus, Pesantius (Alexander), Italian.

Petavius (Dionysius), Gallic, 1583-1652.

Petio (de), Petitididerus (Abbot), Gallic, 1659-1728.

Petra (Cardinal), Petrocorensis.

Petrucci (Peter, Cardinal), Italian, 1638-1701.

Petschascher (Benedict), German, 15th century.

Philjarchus, Philibertus, Philippus (Neri S.), Italian, 1515-1595.

Piasecius (Paul), Polish, 15th century.

Pichler (Vitalis), German, 1750.

Picus à Mirandola (Cardinal), Italian.

Piette (Aurel), Belgian.

Pignatellus (James), Italian, 15th century.

Pinamonti (John Peter), Italian, 1642-1703.

Pinellus, Italian, 15th century.

Pirhing (Henry), German, 15th century.

Piscara, Pittonius (John Baptist).

Pizarrus, Platelius (James), Belgian, 1608-1631.

Polancus (John), Pomponius, Pontanus (Francis).

[*Latin ed. p. 586*]

NAME. NATION. CENTURY. Born. Lived. Died.

Pontassus (John), Gallican, 1638, 1728.

Pontius (Basil), Spanish, 1629.

Portella (Lawrence), Spanish, 5th century.

Possevinus (Anthony), Italian, 1534, 1644.

Potesta (Felix), Gallican.

Translated by churchlatin.ai, a product of Boyne Archives

Pouget, Spanish, 1668.
Prado (John Martin de), Belgian, 1634.
Præpositus (John), Gallican, 1654, 1734.
Purchotius (Edmund), Dutch, 1574, 1646.
Puteanus (Henry Van de Putte), Gallican, 403.
Prosper (St.), Roman, 5th century.
Quaranta (Stephen), Italian, 5th century.
Quarti (Paul Mary), Italian, 5th century.
Quintanadvenas (Anthony de), Spanish, 1654.
Ramirez (Calixtus), Gallican.
Raymund de Pennafort (St.), Spanish, 1475, 1275.
Rancé (Abbot de), Gallican, 1626, 1700.
Raynaldus (Odericus), Italian, 1595, 1671.
Raynaudus (Theophilus), Gallican, 1583, 1663.
Rebellus (Ferdinand), Portuguese, 1547, 1608.
Rebuffus (Peter), Gallican, 1487, 1657.
Reginaldus (Valerius), Gallican, 1543, 1623.
Regula Morum (author anonymous), German, 5th century.
Reiffenstuhl (Anacletus), Religious.
Relig. (Anthony de) Renzius, Gallican, 1664.
Rhodes (Gregory de), Spanish, 1517, 1611.
Ribadineira (Peter), Italian, 5th century.
Riccius (Aloysius), English, 5th century.
Richard, Gallican, 1207.
Rigordus, Riminaldus, Italian, 1534.
Ripa (John Francis), Ripalda, Gallican, 1589, 1653.
Riverius (Lazarus), Spanish, 5th century.
Rocafull (Joseph).
Roclus.

[*Latin ed. p. 587*]

NAME. COUNTRY. CENTURY. Born. Lived. Died.
Rodriguez (Emmanuel) Portuguese 4554 4619
Rolandus Roncaglia (Constantine) Italian 48th century
Rosella (Joseph) 47th century
Rosmer (Paul) Belgian 1664
Rossius (John Baptist) Italian 4507 1578
Rovitus S Sa (Emmanuel) Portuguese 4530 4596
Sabbatinus Sabinus (Francis)

Translated by churchlatin.ai, a product of Boyne Archives

Salas (John de) Spanish 4612
Salcedo (Carmelites Discalced) Spanish
Salmeron (Alphonsus) Spanish 4545 4585
Salonius (Michael) Spanish 47th century
Sambovius (Sainte-Beuve, Jacob) French 4613 4677
Sanchez (Thomas) Spanish 4551 1610
Sancius (John) Spanish 47th century
Sanctius (Gaspar) Spanish 4544 1628
Sanctorelli
Sandeus (Felin.) Italian 1503
Sarnelli (Januarius Maria) Italian 4702 1744
Sayrus (Gregory) English 1602
Scaramelli (John Baptist) Italian 48th century
Scheelstrate (Emm. de) Belgian 1648 1692
Schilder (Ludovicus de) Belgian 1606 1667
Schneider.
Scotus (John Duns) Scotus 4273
Scortia (John Baptist)
Segneri (Paul) Italian 1624 1694
Segura Senensis (Hugo)
Serarius (Nicholas) French 4555 1609
Servius (Philip)
Serius (Marcus) Italian 1663
Serra (John Angel) Italian 4775
Serry (Jacob) French 1659 4738
Sessa (Joseph)
Sfondratus (Cardinal Celestine) Italian 1649 1696
Sifilinus
Sigismundus

[*Latin ed. p. 588*]

MOMEN. PATRIA. SECULUM. Nat. Vixit. Mort.
Silos Silvester (de Afflicto) Gallus 1662 1733
Simanchus (Jacobus) Gallus
Simonet (Edmundus) Gallus
Siremundus (Jacobus) Gallus 1634
Sixtus (Senensis) Italus 1520 1569
Sleidanus (Joann.) Belga 1506 1536
Socinus (Marianus) Italus 1404 1467

Translated by churchlatin.ai, a product of Boyne Archives

Sorbo (Hieron. de) Sorbon (Robertus de) Gallus 1204 1274
Soria (Joan. de) Italus 1700 1767
Soto (Dominicus) Hispanus 1494 1560
Soto (Petrus de) Hispanus 1563
Sousa (Ludovicus de) Lusitanus 1604 1633
Sperelli (Alexand.) Italus
Spinellus Spondanus (Henricus de Sponde) Gallus 1568 1643
Sporer (Patricius) Germanus
Staib Stephanus à S. Paulo
Stoiz (Matthaeus) Germanus 1644 1678
Suarez (Franciscus) Hispanus 1548 1647
Suarez (Joann.) Hispanus
Surdus
Suso (Henricus) Germanus 1300 1366
Sylvius (Franciscus) Belga 1584 1646
Taberna (Joan. Bapt.) Belga
Tabiena (Joann.)
Tamburini (Thomas) Italus 1594 1678
Tancredus (Vinc.) Italus 1659
Tanner (Adamus) Germanus 1572 1638
Tapia (Petrus de) Hispanus 1657
Tasi
Tassoni (Alexander) Italus 1565 1638
Terillus (Antonius) Anglus
Tertullianus (Quint. Septim.) Afer 216
Tesaurus (Carolus) Italus 1587 1658
Texeda
Themudus
Theodoretus Asianus 393 458
Theodorus (à Spir. sancto)

[*Latin ed. p. 589*]

NAME. COUNTRY. CENTURY. Maximum Lifespan. Birth. Death.
Theotimus Theresia (Saint). Spanish. 4515. 4582.
Thomas (of Aquin, Saint). Italian. 4227. 1274.
Thomas (of Villanova, Saint). Spanish. 4488. 1555.
Thomassinus (Louis). French. 1619. 16th century. 5.
Tiraquellus (Andrew). French. 1558.
Tirinus (James). Belgian. 1580. 16th century. 5.

Translated by churchlatin.ai, a product of Boyne Archives

Toletus (Francis). Spanish. 4582. 1596.
Tonellus (Hippolytus).
Torni (Julius). Italian. 48th century.
Torrecilla. Torreblanca. Spanish. 47th century.
Tostatus (Alphonsus; see Abulensis).
Tournely (Honorat). French. 4688. 4739.
Trimarchus. Triumphus (Augustine).
Troila.
Trulenchius (John Egidius). Spanish. 47th century.
Tucius.
Turibius (Saint).
Turecremata (Cardinal John de). Spanish. 1388. 1468.
Turrianus (Aloysius de Torres). Spanish. 1504. 1554.
Tuschus (Dominic, Cardinal). 1630.
U.
Ubaldis (Peter de). Italian. 1480.
Ugolinus (Bartholomew). Italian. 1540.
Ugonius (Mathias). Asian. 1507.
Ursaya (Dominic).
Urail.
V.
Valdesius (Ferdinand).
Valentia (Gregory à). Spanish. 1543. 4693.
Valeria (Augustine). Italian. 1531. 1696.
Van Espen (Zeger Bernardus). Belgian. 1700. 4866.
Van Roy (Leonard). Belgian. 48th century. 0.
Vasquez (Gabriel). Spanish. 1604.
Vega (Alphonse). Spanish. 46th century.
Velasquez (Anton). Spanish. 1585. 9666.
Veneto (Paul). Italian. 144.
Ventriglia (John Baptist). Spanish.

[*Latin ed. p. 590*]

NAMES. NATIONALITIES. SIGNIFICANCE. Born. Lived. Died.
Veracrux (Alphonsus) Spanish, 46th century.
Verde Verricelli (Angelus Maria) Italian, 47th century.
Verjuys (Antonius) French, 1632, 1706.
Vestrini Victorelli (Andreas) Italian, Victoria.
Victoria (Franciscus de) Spanish, 1549.

Translated by churchlatin.ai, a product of Boyne Archives

Vidal (Marcus) Italian, 17th century.
Viguerius (Joann.) Spanish, 46th century.
Villalobos (Henricus de) Spanish, 17th century.
Visconti (Josephus) Italian, 46th century.
Viva (Dominicus) Italian, 1648.
Vivaldus (Marc. Alphons.) Italian, 46th century.
Volaterranus (Raphaël) Italian, 1450, 1521.
W
Wading (Petrus) Irish, 1586, 1644.
Waldensis (Thomas) English, 1430.
Wazz Wesembec (Matthæus) Belgian, 1534, 1586.
Weistner (Jacob)
Wigandt Wiggers (Joann.) Belgian, 1574, 1639.
Witasse (Carol.) 1660, 1706.
Z
Zacharia (Franc. Anton.) Italian, 1742, 1796.
Zambranus (Melchior) Spanish, 17th century.
Zanardi (Michael) Italian, 1570, 1644.
Zechius German, 46th century.
Zerola (Thomas) Italian, 1448.
Zumel (Franciscus) 4607.

[*Latin ed. p. 591*]

ERRATA. 1. The following annotation, which is found near line 6, number 339, concerning the obtaining of a plenary indulgence in a privileged altar, must be removed. Indeed, the Editor was misled by certain Gallican and Belgian periodicals, which reported a certain decree of the Holy Roman Church, partly falsely, and which subsequently retracted it. 2. Both the Author and the Editor of this work have forgotten to insert certain passages into the text; the Author had placed them in the general index, which the Editor now presents in these locations. The following are the passages that the Author noted with these words: a. Whether those who devoutly hear the Hours, while musicians are singing, fulfill their duty? Some affirm this in Pelliz. c. 8, n. 42; but it must be entirely denied, as stated by Croic l. 4, n. 4299 and Mazz. t. 4, p. 302. This is noted here because it was omitted in the main body of the text. b. Note here, as an aside, the following doctrine, which was omitted in the main body: A religious person is unjustly denying suffrage to a novice who has committed a sin, and is obligated to make restitution, as stated by Sporer, tract. 5, in Dec., c. 1, n. 138; Lugo, d. 9, n. 54; and Holzmann, t. 4, p. 614, n. 471, along with others, most commonly; unless there is a serious reason for condemnation, namely, infirmity, bad

Translated by churchlatin.ai, a product of Boyne Archives

character, lack of talents, and the like, so that it is judged that he will be a serious detriment to the religious life.

Translated by churchlatin.ai, a product of Boyne Archives